

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1617 OF 2021

Ramesh S/o Asaram Ambilwade

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Ms. Ashwini A. Lomte Advocate h/f. Mr. S.J. Salunke
Advocate for Applicant.
Mr.V.M. Kagne, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 12th JANUARY, 2022

ORDER :

1. Heard learned Advocate for the applicant and learned APP for the respondent – State.

2. The applicant is apprehending his arrest in connection with Crime No.670 of 2021 dated 29th November 2021 registered with Police Station, Ambad, District-Jalna for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

3. Perusal of the First Information Report would show that it has been lodged by the widow of the deceased. The deceased went missing on 8th November 2021 around 5.30 a.m. and thereafter his dead body was found on the same day in the well near Shani Mandir. There appears to be apparent delay in lodging the report. However the informant has stated that since she was in grief and went to her parental house for some days, she had not lodged the report and further she also states that after her return from her parental house, about 4 to 5 days prior to 29th November 2021, when she had taken the old clothes of the husband for washing, she could find one chit allegedly left by her husband and after revealing that chit she called her brother and thereafter lodged the report. She has also stated that after the dead body of her husband was found, she had suspicion in her mind in respect of the accused persons behind the incident.

4. The contents of the said chit would show that it is stated that the present applicant is giving mental harassment to the deceased and he is attempting to take possession of the shop, house and plot at Ambad with the help of few persons and therefore if either he or his family members are harassed in

future or if he commits suicide then it would be the responsibility of the applicant and his colleagues.

5. It is to be noted that as on today it appears that the report of the handwriting expert has not been received. Another fact that is obvious from the contents of the said chit though we presume for the sake of arguments that the contents are correct, the deceased had the option to approach the police and/or to the Civil Court to get relief in his favour. Neither in the First Information Report nor in the statements those have been recorded up-till now we could find the reason for not approaching by the deceased to the police and/or to the Civil Court. Further, whether only on the basis of the said contents of the chit we can say that the ingredients of Section 107 of the Indian Penal Code are attracted coupled with Section 306 of the Indian Penal Code, is a question. Further, though in the chit it is stated that applicant had not only asked for the shop but also the house and the plot, however, in the First Information Report it is stated that the applicant was demanding share from the shop or cash of Rs.20,000,00/-.

6. Custodial interrogation, under these circumstances, of the applicant is not required and therefore the interim protection that was granted by this Court on 28th December 2021 deserves to be confirmed. Hence the following order:-

ORDER

- i) The Application stands allowed.
- ii) The interim protection granted earlier by this Court on 28th December 2021 is hereby confirmed.
- Iii) It is clarified that in the event of arrest of the applicant namely Ramesh S/o Asaram Ambilwade, resident of Nutan Vasahat Ambad, Tal-Ambad, Dist-Jalna in connection with Crime No.0670 of 2021 registered with Ambad Police Station, Dist-Jalna for the offence punishable under Section 306 read with 34 of the Indian Penal Code, the applicant be released on bail on his furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount, if already not arrested and released.

iv) The applicant shall attend Ambad Police Station on every Wednesday between 10.00 a.m. to 2.00 p.m. till filing of the charge-sheet and co-operate with the investigation.

v) The applicant shall not tamper with the prosecution evidence in any manner.

[SMT. VIBHA KANKANWADI , J.]

asb/JAN22