

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.223 OF 2022

Dayaram s/o Vasudeo Meshram

Vs.

State of Maharashtra through Police Station Officer, Police Station Duggipara, District
Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. G. Karmarkar, Advocate for applicant.
Me. I. J. Damle, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 06/04/2022

Heard Mr. Karmarkar, learned counsel for
the applicant and Mr. Damle, learned APP for
non-applicant/State.

2. The applicant has been arraigned for the
offence punishable under Sections 306, 324, 504 read
with Section 34 of the Indian Penal Code in Crime
No.252 of 2021.

3. Mr. Karmarkar, learned counsel for the
applicant submits that there is no role of the applicant to
play in the alleged offence, in as much as the applicant
has never instigated the deceased to commit suicide. No
doubt, he submits that there were certain differences
between the applicant and deceased, and may be in a fit
of anger, the applicant may have assaulted the deceased

however, that was not a reason for the applicant to be implicated in the offence. He therefore, submits that the applicant is entitled for bail.

4. Mr. Damle, learned APP for non-applicant/State opposes the application and invites my attention to the statement of the minor witness Tejas son of the applicant, who has spoken about the fact that when the applicant was not in the house, the deceased had hanged herself and so also the statement of Lankesh Meshram (page 36). He further submits that the applicant is not entitled to bail due to the assault to the deceased from time to time and therefore, the application be rejected.

5. The incident is dated 17.09.2021 when the deceased, at a time when the applicant was not in the house is stated to have hanged herself. The applicant, is stated to be the cause for the same on account of the harassment being meted out by the applicant to the deceased. Except for the statement of the minor witness, who does not specify the nature of the assault by the applicant to the deceased, there is nothing on record to substantiate the plea of harassment and considering that, the charge-sheet has already been filed on 14.10.2021. I do not see further need to continue the incarceration of the applicant. Hence the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on bail in Crime No.252 of 2021 for the offence punishable under Sections 306, 324, 504 read with Section 34 of the Indian Penal Code registered with Police Station Duggipara, on his executing P.R. bond in the sum of Rs.75,000/- (Rupees Seventy Five Thousand) with two solvent sureties each of the like amount.
- (iii) The applicant shall not, directly or indirectly make any attempt to influence the witnesses or otherwise tamper with the prosecution evidence.
- (iv) The applicant shall not indulge into any criminal activity, while on bail.
- (v) The applicant shall attend each and every date before the learned Sessions Court and shall ensure that the trial is not protracted on his count.
- (vi) Violation of any of these conditions shall result in cancellation of bail.

JUDGE*Sarkate*