

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

Anticipatory Bail Application No. 197 of 2022

Vinayak Bhimrao Hagre

Versus

State of Maharashtra, through Police Station Officer, Yavatmal Rural,
Tahsil and District Yavatmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri. Y.K.Dhande, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 11th APRIL, 2022.

The applicant is seeking pre-arrest bail in Crime No. 62 of 2022 registered with Police Station Yavatmal (Rural), District Yavatmal for the offence punishable under Sections 306 of Indian Penal Code.

2. The allegations are that because of ill-treatment meted out by the applicant to the deceased, the deceased committed suicide. It is the case of the prosecution that there was love affair of the applicant and the deceased. On 31st January, 2022 when the deceased was at her elder sister's place, the applicant

went there twice and assaulted the deceased due to which in the morning on 1st February, 2022, the deceased committed suicide. Initially, MERG was registered on a report of the father.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in the alleged offence and no justifiable explanation has been offered by the complainant to lodge the report after nine days of the incident. It is submitted that even there was no report lodged by the elder sister of the deceased or brother-in-law of the deceased about the incident alleged to have happened in the night of 31st January, 2022 at their house. He therefore, submits that the applicant may be granted pre-arrest bail.

4. On the other hand Shri S.D.Sirpurkar, learned Additional Public Prosecutor strongly opposed the application. He has made available the case diary for perusal and from the case diary he points out the postmortem report wherein there is a mention of injuries found on the person of deceased, in column 17. He submits that injuries found on the body of deceased corroborate the story of prosecution about the assault by the applicant to the deceased. He, therefore, prays for rejection of the present application.

5. I have perused the case diary and the contents of the First Information Report. In the case diary the report of the father is there wherein he had stated that his daughter was not in a good mental condition from last one month prior to suicide. He further states that nobody is responsible for her suicide.

6. The alleged complaint came to be lodged after eight days from the occurrence of the incident. *Prima facie*, the reasons stated in the First Information Report for delay does not appears to be justifiable, looking to the prosecution story about the incident of assault, which took place in the night of 31st January, 2022 at the house of elder sister of the deceased.

7. Further more, *prima facie* therefore, it cannot be said that the injuries mentioned in the postmortem report was caused to the deceased because of the alleged assault by the applicant. In the circumstances, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.

ii. Order dated 4th April, 2022 is hereby confirmed.

[ANIL S. KILOR, J.]

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