

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

CRIMINAL APPLICATION (ABA) NO.227 OF 2022

Humdev Jankiram Rathod and others

Versus

State of Maharashtra, through P.S.O. Hiwarkhed, Tq. Khamgaon, Dist. Buldhana

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the applicants.

Shri Anand Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/04/2022

1. The applicants are seeking pre-arrest bail in Crime No.36 of 2022, dated 17/03/2022, registered with Police Station Hiwarkhed, District Buldhana, for the offence punishable under Sections 498-A and 306 read with Section 34 of the Indian Penal Code.

2. The allegations against the applicants are that they had ill-treated the deceased and out of the harassment, the deceased committed suicide.

3. Shri Sirpurkar, learned counsel for the applicants submits that the applicant Nos.1 and 4 are presently residing at Pune. It is submitted that after the suicide, the brother of the deceased lodged the criminal complaint after two days, roping in all the relatives of husband of the deceased. It is submitted that the applicants have been falsely implicated in the alleged offence.

4. On the other hand, Shri Deshpande, learned APP strongly opposes the application and submits that there are statements of the witnesses who supports the case of the prosecution and thus, there is *prima facie* material available on record to show the involvement of the applicants in the alleged offence. He accordingly, prays for rejection of the present application.

5. I have perused the Case Dairy and the contents of the First Information Report (FIR).

6. *Prima facie*, there is no material available in the Case Diary to show that the present applicants had created a situation for the deceased that no option was left with the deceased than to commit suicide. In absence of any *prima facie* incriminating material available on record to attract Section 306 and also Section 498-A of the Indian Penal Code, I am of the view that the applicants are entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 05.04.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicants shall attend the concerned Police Station as and when their presence is required.

c) It is made clear that police shall issue 72 hours prior notice to the applicants, whenever their presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]