

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

CRIMINAL APPLICATION (ABA) NO.454 OF 2022

Vishnu S/o Bhagwanrao Tayde

Versus

State of Maharashtra, through P.S.O., P.S. Chikhli, 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 A.K. Bhangde, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 22/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.445 of 2022, dated 23.05.2022, registered with Police Station Chikhli, District: Buldhana, for the offences punishable under Sections 305, 306 and 498-A of the Indian Penal Code.

2. Shri Bhangde, learned counsel for the applicant submits that considering the allegations made in the First Information Report (FIR), even on its face value section 306 would not attract.

3. He further submits that custodial interrogation of the applicant is not necessary. Thus, he prays for grant of pre-arrest bail.

4. On the other hand, Shri A.M. Deshpande, learned APP strongly opposes the present application and points out from the Case Diary the statement of the daughter of the applicant and submits that considering the conduct of the applicant and the words uttered by him, after the daughter of the applicant informed him about mother's condition on consuming poison, custodial interrogation of the applicant is necessary. Thus, he prays for rejection of the present application.

5. I have perused the Case Diary and FIR.

6. The statement of the daughter of the applicant and FIR, shows that due to ill-treatment by the applicant, his wife and two children they consumed poison and the neighbors took them to the hospital. In the said unfortunate incident, the young son of the applicant who was 14 years old, died.

7. The statement of the daughter of the applicant who is 16 years old speaks much about the conduct of the applicant, at the relevant time. If the statement of the daughter of the applicant is considered in totality, *prima facie* I am of the opinion that the learned counsel for the applicant is not right in saying that Section 306 would not attract in this case. As the offence is very serious and considering the severity of punishment which conviction

will entail, I am of the opinion that the application is rejected.

8. At this stage, learned counsel for the applicant prays for grant of 15 days protection.

9. In view of the judgment of the Hon'ble Supreme Court of India in the case of *Nathu Singh Vs. State of Uttar Pradesh*¹, the request is rejected.

The criminal application is **rejected**.

[ANIL S. KILOR, J.]