

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

Criminal Application (ABA) No. 567 of 2022

Shankar Narhari Gonge and another

Versus

State of Maharashtra, through Police Station Officer, Police Station
Shegaon, 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.S.Mardikar, Senior Advocate assisted by
Shri H.R.Gadhia, Advocate for the applicant.
Shri A.R.Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 12th August, 2022.

The applicants have approached to this by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 257 of 2022 registered with Police Station Shegaon, Dist. Buldhana for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. Shri Mardikar, learned Senior Advocate for the applicants submits that even if the allegations made in the First Information Report are taken on its face value, no offence under Section 306 of Indian Penal

Code attracts in this case. It is further submitted that the legal proceedings in respect of land were going on before Registrar Co-operative Society and the Civil Court and during the pendency of it, the deceased committed suicide. Therefore, he submits that considering the allegations made in the First Information Report and the fact that no offence under Section 306 of Indian Penal Code attracts the custodial interrogation of the applicants is not necessary. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, Shri Sirpurkar, learned Additional Public Prosecutor strongly opposed the application and submits that, the allegations made in the First Information Report are sufficient to show that, there was harassment at the hands of the applicants and because of the same, the deceased committed suicide. Accordingly, he prays for rejection of the application.

4. I have perused the case diary and the First Information Report.

5. The allegations made in the First Information Report, prima facie shows that, some dispute in respect of agricultural field was going on in the Court and because said legal proceedings were taking time to reach to a logical end, the deceased got frustrated and she committed suicide.

6. In the said backdrop, I am of the opinion that the custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order.

- i. The application is allowed;
- ii. The order granting ad interim anticipatory bail dated 01.08.2022, is hereby confirmed;
- iii. The applicants shall attend the concerned Police Station as and when their presence is required.

[ANIL S. KILOR, J.]