

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

Criminal Application (ABA) No. 570 of 2022

Rakesh S/o Late Ram Kishor Khurana

Versus

State of Maharashtra, through Police Station Officer, Dhantoli, Dist.
Nagpur

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

Court's or Judge's Order

Shri Shyam Dewani, Advocate for the applicant.

Shri Sagar Ashirgade, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 24th August, 2022.

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 156 of 2022 registered with Police Station Dhantoli, Dist. Nagpur for the offence punishable under Section 306 of Indian Penal Code.

2. Shri Dewani, learned counsel for the applicant submits that even if the allegations are taken on its face value, no offence under Section 306 of Indian Penal Code would attract in this case. He further

submits that the deceased committed suicide on 14th January, 2022 and the complaint was lodged on 10th June 2022 i.e. after five months. It is submitted that there is no explanation offered by the complainant for such a huge delay. He further submits that the delay creates doubt about the veracity of the allegations made in the First Information Report. Accordingly, he prays for grant of bail.

3. On the other hand, Shri Ashirgade, learned Additional Public Prosecutor strongly opposed the application and submits that there are criminal antecedents near about 11 cases other than the present one were registered against the applicant. Accordingly, he prays for rejection of the present application.

4. After going through the case diary and the First Information Report and the material collected by the Investigating Officer, I am of the opinion that even if the allegations made in the First Information Report are taken on its face value, *prima facie*, it is doubtful whether Section 306 of the Indian Penal code would attract in this case.

5. Moreover, delay of five months in lodging the First Information Report creates doubt about the veracity of the allegations made in the First Information Report. 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.

- i. Criminal application is allowed;
- ii. In the event of arrest of applicant in Crime No. 156 of 2022 registered with Police Station Dhantoli, Dist. Nagpur for the offence punishable under Section 306 of Indian Penal Code, the applicant be released on bail on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall attend the concerned Police Station on **5th September, 2022 to 9th September, 2022** between 10 am to 12 noon and thereafter as and when his presence is required.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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by
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Date: 2022.08.24
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