

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

**CRIMINAL APPLICATION (ABA) NO.596 OF 2022**

(FIROZ S/O ABDUL AZIZ CHAUHAN ..VS.. STATE OF MAH. THR. PSO PS AKOT FILE, AKOLA)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri N.R. Tekade, Advocate for Applicant.  
Shri A.R. Chutke, A.P.P. for Non-applicant/State.  
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**CORAM : ANIL S. KILOR, J.**  
**DATED : AUGUST 22, 2022.**

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.306 of 2022, registered with Police Station, Akot Fail, Akola for the offences punishable under Sections 498-A, 306 read with Section 34 of the Indian Penal Code (IPC).
3. The learned counsel for the applicant submits that he has been falsely implicated in the alleged offence. It is submitted that, the deceased committed suicide due to a family dispute as regards partition of the immovable property.
4. It is submitted that the marriage of the deceased was solemnized with the brother of the applicant in the year 2010 and for 12 years there were no

complaints about ill-treatment or anything against the applicant or his family members. Therefore, he submits that the applicant and his family members are unnecessarily and falsely implicated into the alleged offence. He, thus, prays for grant of pre-arrest bail as according to him the custodial interrogation of the applicant is not necessary.

5. The learned A.P.P. strongly opposed the application and he submits that the Investigating Officer has recorded the statements during the investigation and considering the evidence collected by Investigating Officer, this Court may not grant pre-arrest bail to the applicant.

6. I have perused the case diary and also the First Information Report(FIR).

7. On the perusal of the case diary, it appears that the deceased got married with the brother of the applicant in 2010 and till commission of suicide by her, there was no complaints of any illtreatment, made against the applicant or his family members.

8. The applicant was residing separately and recently he started resided jointly with his brother. *Prima facie*, further it appears that there was some dispute as regard the partition of the immovable property of the

family. Thus, in the above referred backdrop and considering the allegations made in the FIR, I am of the opinion that the custodial interrogation of the applicant is not necessary.

9. Moreover, from the fact that the police never called the applicant for interrogation though while granting *ad interim* anticipatory bail to the applicant by order dated 11<sup>st</sup> August, 2022, it was observed by this Court that the applicant to attend concerned Police Station as and when his presence is required, shows that the police don't want custody of the applicant for interrogation. In the circumstances, I pass the following order :

- i) The application is allowed.
- ii) The order dated 11<sup>th</sup> August, 2022 granting *ad-interim* anticipatory bail to the applicant is hereby confirmed.
- iii) The applicant shall attend the concerned Police Station on 06.09.2022 to 09.09.2022 between 10.00 am to 12.00 noon and thereafter as and when his presence is required.
- iv) The applicant shall not tamper with the prosecution evidence and shall not influence the prosecution witnesses.

- v) The State is at liberty to apply for cancellation of bail in case of breach of any of the conditions.

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

**JUDGE**

*Kirtak.*