

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 655 OF 2022

Meena Sanjay Landage and Ors. .Vs. State of Maharashtra

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

Mr S. B. Gandhe, Advocate for the applicants
Ms K. R. Deshpande, APP for the State

CORAM : G.A. SANAP, J.
DATE : OCTOBER 18, 2022.

1. Heard.

2. The applicants apprehend arrest, in crime bearing No. 613 of 2022 registered at Badnera Police Station, District Amravati City, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

3. According to the applicants, they are close relatives of the deceased. It is stated that false report has been lodged by the wife of deceased against them. They have not committed any crime. It is alleged in the report that the applicant No.1 herein has lodged false complaint against the deceased and therefore, he was under tremendous mental stress and pressure. It is stated that therefore he committed suicide. The learned Advocate for the applicants submits that the remaining accused have been granted pre-arrest bail by this Court vide order dated 15.09.2022. The learned Advocate

submits that the detention of the applicants in a police custody is not necessary. The investigation has been almost completed. The suicide note, which is the base and foundation of the prosecution case, has been recovered. The learned Advocate, therefore, submits that the role attributed to these applicants is identical to the one attributed to the applicants, who have been granted anticipatory bail by this Court vide order dated 15.09.2022.

4. The learned APP submits that there is evidence collected by the investigating officer in the form of suicidal note and the statement of the witnesses to *prima facie* establish that due to the mental torture and harassment caused by the applicants, the deceased took an extreme step for committing suicide. The learned APP submits that these applicants can't be extended the benefit of order of anticipatory bail granted in favour of remaining three accused vide order dated 15.09.2022.

5. I have gone through the record and proceedings and particularly order passed by this Court on 15.09.2022 in Criminal Application (ABA) No. 647 of 2022 in respect of the remaining three accused. The perusal of this order would show that this Court has taken all the aspects into consideration and more particularly the stage of the investigation. The wife of the deceased is the informant in

this case. In the report, she has narrated the torture and harassment meted out to the deceased by the applicants. The suicide note which has been recovered is a part of the record. I have also gone through the suicide note. The said suicide note was taken into consideration by this Court while forming opinion to hold in favour of the applicants for granting the relief.

6. In my view, considering the role attributed to those three accused, who have been granted protection from arrest and the role attributed to these applicants, it would not be possible to segregate them vis-a-vis their role. In the facts and circumstances, the protection from arrest cannot be denied to these applicants. The apprehension placed on record by the learned APP can be taken care of by imposing appropriate conditions. However, based on the apprehension the relief cannot be denied. Hence, the following order-

- i] The application is allowed.
- ii] The order dated 13.09.2022 granting ad-interim anticipatory bail is confirmed.
- iii] The applicants shall attend the concerned police station as and when called by the investigating officer.
- iv] The application stands **disposed of**.

(G. A. SANAP, J.)

Namrata