

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

CRIMINAL APPLICATION (ABA) NO.676 OF 2022

(SHARAD SURESH JOGI...VS.. STATE OF MAH. THR. PSO PS GADCHANDUR, DIST.CHANDRAPUR)

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

Court's or Judge's orders

Shri Anil S. Mardikar, Sr.Adv. a/b. Ms.A.M.Kshirsagar, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 23, 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.234 of 2022, registered with Police Station, Gadchandur, Tq. Korpana, Distt.: Chandrapur for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code, 1860.
3. After going through the allegations and contents of the F.I.R., it can be seen that there was a dispute about immovable property which the deceased wanted back from the applicant. *Prima facie*, it appears that out of the said dispute the deceased committed suicide holding the applicant responsible while leaving behind a Suicide Note.
4. Thus, considering the case diary and the F.I.R., *prima facie*, it creates doubt whether the applicant is abetter in this case and applicability of Section 306 of the

Indian Penal Code. In that view of the matter, I am of the opinion that custodial interrogation of the applicant is not necessary.

5. In the circumstance, though the learned A.P.P. strongly opposed the application, I am of the opinion that the applicant is entitled for grant of pre-arrest bail on certain conditions. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) The order dated 20/09/2022, granting ad-interim bail to the applicant, is confirmed.
- iii) The applicant shall attend the concerned Police Station daily from 05/12/2022 to 08/12/2022 between 10:00 a.m. and 11:00 a.m. and thereafter as and when his presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE

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