

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.164 OF 2023

Manik Maroti Chokhat

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. Sudarshan J. Salunke, Advocate for the Applicant

Ms. R.P. Gour, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.374 of 2022 registered with Manwat Police Station, District Parbhani for the offence punishable under section 306 read with 34 of the Indian Penal Code.

2. FIR is lodged by Meera Pandurang Chokhat on 14/12/2022 alleging that in the last year in their agricultural field on *Mukadam* (contractor) with his labour had come to cutting sugarcane, and he had performed the work properly for about one month before the incident. The present applicant who is resident of village of the informant inquired from her husband about performance of *Mukadam* (contractor) of

cutting of sugarcane crop from their field. Informant's husband replied that his performance was good. Thereafter, after some days, the applicant informed her husband that he has given the contract of cutting sugarcane from his field to the same *Mukadam* (contractor), and he has also given advance, but the *Mukadam* (contractor) and his labour did not turn up for cutting sugarcane in the field of the applicant, and therefore, the applicant started saying to her husband that, "because of you, I have given contract to the said contractor, and also paid advance to him". The applicant also asked her husband to compensate his loss otherwise he would plough their field. In this manner, the applicant harassed her husband. Fed up with the harassment by the applicant, Pandurang committed suicide on 06/12/2022 in his agricultural field.

3. Heard the learned advocate for the applicant and the learned Additional Public Prosecutor for the respondents – State. Perused the investigation papers.

4. *Prima facie*, ingredients of abetment under section 107 of the Indian Penal Code, are not made out. FIR is lodged belatedly, the offence has taken place on 06/12/2022, whereas FIR is lodged on 14/12/2022.

5. The applicant was granted interim protection, and he has co-operated in the investigation. Nothing is to be recovered from the applicant. In the facts of the present case, pre-trial custodial detention of the applicant is not warranted in the facts of the present case.

6. In the result, application is allowed. In the event of arrest of the applicant in Crime No.374 of 2022 registered with Manwat Police Station, District Parbhani for the offence punishable under section 306 read with 34 of the Indian Penal Code, the applicant shall be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant shall not tamper prosecution evidence.

7. Till filing of charge sheet, the applicant shall attend the concerned police station as and when called by the Investigation Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane