

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 311 OF 2023

1. Kishan Leharya Pawara

2. Rohidas Tarya Pawara

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. P.N. Jain, Advocate for applicants

Mr. A.A. Jagatkar, A.P.P. for respondents

Mr. G.D. Jain, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.

DATE : 25th APRIL, 2023

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No. 10 of 2023 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 306 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. F.I.R. has been lodged by father of the deceased on 29th January, 2023. On the same day the deceased committed suicide. It has been alleged

in the F.I.R. that the present applicants had time and again threatened the deceased to eliminate him. The reason behind the same is stated to be the deceased to have alleged the applicants to have stolen his pick-up vehicle.

4. Learned A.P.P. and learned counsel for the informant would, on the other hand, submit that the applicants have continuously threatened the deceased. The deceased had, therefore, no option but to commit suicide. They would further submit that the F.I.R. has been lodged same day. Investigation is at a nascent stage. The offence is serious one. If the applicants are granted protection, they may again threaten the informant and his family members. They, therefore, urged for rejection of the application.

5. True, the applicants have been named in the F.I.R. The F.I.R. has been lodged on the same day the deceased committed suicide. Admittedly, the deceased lodged the F.I.R. against the unknown persons in relation to the theft of his pick-up vehicle. It appears that later on he gave a supplementary statement suspecting the applicants to have committed theft of his vehicle. The said F.I.R. dates back to February 2022. The record indicates since then two crimes were registered against the deceased the his father as well. Admittedly, the deceased did not leave behind the suicide note. Even it has not been averred in the F.I.R. that the deceased, before committing suicide, told his father (informant) that he was under stress due to ill-treatment given

by the applicants and he decided to end his life. Be that as it may. The nature of evidence is oral one. Custodial interrogation of the applicant is not warranted. Moreover, there is no suicide note. Hence the following order :-

6. In view of above, order dated 10th March, 2023, granting the applicants interim anticipatory bail is hereby made absolute.

ORDER

- (I) Application is allowed.
- (II) Order dated 10th March, 2023, granting the applicants interim anticipatory bail, is hereby made absolute.
- (III) The applicants shall stay away from the village, where at the informant resides, for a period of next three months.
- (IV) The applicants shall appear before the investigating officer, as and when required for the investigating purpose.
- (V) The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD