

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1496 OF 2023

Kantarao @ Chandrakantrao s/o Dattarao
Tawade

Applicant

Versus

The State of Maharashtra

Respondent

Mr. N. B. Patil, Advocate for the applicant.
Mr. S. P. Sonpawale, APP for the State.
Mr. A. P. Jadhav, Advocate for the informant.

WITH
CRIMINAL APPLICATION NO. 3571 OF 2023

CORAM : R. M. JOSHI, J.
DATE : 1st NOVEMBER, 2023.

PER COURT :

1. At the outset, learned counsel Mr. Jadhav states that he has instructions to appear on behalf of the informant.

2. Having regard to the nature of offence, he is permitted to appear on behalf of the informant and assist learned APP. Criminal Application No. 3571/2023 stands disposed of.

3. Applicant apprehends arrest in connection with Crime No. 180/2023 registered with Hadgaon Police Station, District

Nanded, for the offence punishable under Section 306 of Indian Penal Code.

4. Informant is the wife of deceased Balasaheb who committed suicide on 10th August, 2023 by consuming poisonous substance. It is alleged in the First Information Report that the present applicant and co-accused used to extract murum illegally from the Government land and when the deceased objected to the same, they quarreled with him. It is alleged that on 4th August, 2023, deceased and his son were taken to the agricultural land of the applicant and the deceased was assaulted. It is stated that he was assaulted as he lodged complaint against them with Tahsil office. It is claimed that being fed up with the said harassment, he consumed poisonous substance and committed suicide.

5. Learned counsel for the applicant submits that the complaint made to the Tahsil office does not refer name of the present applicant to be the person who was illegally extracting the minerals. Similarly, it is submitted that complaint dated 6th August, 2023 addressed to the Collector does not refer name of the present applicant. Thus, it could be a case of false implication.

5. Learned APP and learned counsel for the informant opposed the application by contending that a chit was found left behind by the deceased holding applicant as well as co-accused responsible for his death. It is also submitted that the statement of the son of the informant clearly indicates that on 4th August, 2023, some incident has definitely occurred and out of fear it was not reported to the police.

6. Allegation in the First Information Report regarding deceased and his son being taken to the agricultural field of the applicant is not corroborated by the statement of son of the informant. In his statement, he has claimed that his father was taken by the applicant and others to their field and he was assaulted and thereafter he went along with his father in order to collect the articles left behind by him. Apart from this, the compliant addressed to the Tahsildar does not indicate that any allegation was made against the present applicant nor in the complaint made to the Collector it was mentioned about occurrence of incident dated 4th August, 2023. This Court finds substance in the contention of learned counsel for the applicant that this could be a case of false

implication. Applicant is aged 63 years. Nothing is to be recovered at his instance. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb