

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

CRIMINAL APPLICATION (ABA) NO.232 OF 2023

Dattu s/o Dhondiba Gaikwad

Vs.

The State of Maharashtra, Through Police Station Sindhked Raja, District Buldhana

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

Court's or Judge's orders

Shri P. R. Agrawal, Counsel for applicant.
Shri M. J. Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/06/2023

1. The present application is filed by the applicant for grant of anticipatory bail in the event of his arrest in connection with Crime No.46/2023 at Police Station Sindhked Raja, District Buldhana for the offence punishable under Section 306 and 504 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending his arrest at the hands of the police as one Raghunath Kaluji Burkul has lodged the FIR on an allegation that on 12.03.2023 the deceased Sandip is his son. The daughter of present applicant eloped with somebody and present applicant suspected that the son of the informant is involved and assisted his daughter to elope with somebody. Therefore, on 11.03.2023 at about 8.00 to 8.30 p.m. present applicant expressed and abused to the deceased by

saying that he is involved in respect of eloping of his daughter with somebody else and also threatened to him. Thereafter, on 12.03.2023 at about 10.00 a.m. present applicant along with the other co-accused abused the deceased. Due to which, deceased immediately came home and hanged himself and died instantaneously. On the basis of the said report, police have registered the offence against the present applicant.

3. It is contention of the applicant that as the applicant has lodged report regarding the elopement of his daughter with somebody else and to give counterblast to the said report, this false report is filed by taking disadvantage of suicide by the deceased. He is not in all concerned with the alleged offence. The other co-accused are already released on bail. As per the directions of this Court, present applicant has attended the Police Station and co-operated with the investigating agency. The Investigating Officer specifically stated that physical custody of the present applicant is not at all required and hence, he be released on anticipatory bail in the event of his arrest.

4. Learned APP for the non-applicant/State though objected the application submitted that as per the report of the Investigating Officer present applicant has co-operated with the investigating agency. Now physical custody of the present applicant is not at all required.

5. Heard both the sides. Perused the application. Admittedly, as per the recitals due to the abetment at the hands of the present applicant, deceased Sandip has committed suicide, and other co-accused are already released on bail and the present applicant was directed to attend the Police Station and co-operate with the investigating agency. Accordingly, the applicant has co-operated with the investigating agency. The Investigating Officer has also submitted report that though investigation is still in progress as the applicant has attended before the Investigating Officer, and custodial interrogation is not required. In view of that, application deserves to be allowed by imposing certain conditions. Hence, I proceed to pass following order:-

(i) Application is allowed.

(ii) The applicant/accused is hereby released on anticipatory bail in the event of his arrest in connection with Crime No.46/2023 at Police Station Sindhked Raja for the offence punishable under Section 306 and 504 read with Section 34 of the Indian Penal Code on executing PR bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(iii) The applicant/accused shall attend Police Station as and when required for investigation purpose.

(4)

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(iv) The applicant/accused shall submit his mobile/phone number along with his address with address proof, before the Investigating Officer.

(v) The applicant/accused shall not induce pressurize or threat any witnesses who are connected with the present crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate