

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.275 OF 2023
Jalinder s/o Manjaji Bhalerao Vs. State of Maharashtra

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, Advocate for applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 13, 2023.

The present applicant is filed by the applicant for grant of anticipatory bail in the event of his arrest in connection with Crime no.46/2023 registered at Police Station, Shindkhedraja, District Buldhana for the offences punishable under Sections 306 and 504 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is that one Raghunath Kaluji Burkul has lodged the FIR on an allegation that on 12.03.2023 the deceased Sandip, son of the informant, has committed suicide. Initially, the daughter of the one Dattu Dhondiba Gaikwad eloped with somebody and it is alleged that some allegation was made by the present applicant and other co-accused against the deceased that he has assisted the daughter of Dattu Dhondiba Gaikwad to elope with somebody. Therefore, on 11.03.2023 at about 8.00 to 8.30 pm, the present applicant abused the deceased by saying that he is involved in respect of eloping

of daughter of Dattu Dhondiba Gaikwad and also threatened him. Thereafter, again on 12.03.2023, the deceased was abused by the present applicant and other co-accused. Due to which, the deceased immediately came home and hanged himself and died. On the basis of said report, the police have registered the offence against the present applicant.

3. As per contention of the applicant, one Dattu Dhondiba Gaikwad has lodged the report regarding elopement of his daughter with somebody else and to give counterblast to the said report, this false report is lodged taking disadvantage of suicide. The applicant is not at all concerned with the alleged offence. The general allegations are made against him. Even if the entire allegations are taken as it is, his physical custody is not required. The other four co-accused have already released on bail against whom similar allegations were made. Therefore, on the ground of parity also the present applicant is entitled to be released on anticipatory bail.

4. Learned APP for the non-applicant/State strongly opposed this bail application by filing reply and submitted that present applicant and other co-accused abused the deceased. Due to which, the deceased felt humiliated and committed the suicide. Thus, the present applicant and other co-accused have abetted the deceased to commit the suicide. For the examination purpose the physical custody of the present applicant is required and prays for rejection of the

bail application.

5. Heard both the sides and perused the application. Admittedly, as per the recitals, due to the abetment at the hands of the present applicant, deceased Sandip has committed suicide. The co-accused are already released on bail in the event of their arrest. As far as allegations are concerned, general allegations are made against the present applicant. The similar allegations are made against the co-accused who are released on bail. Taking into consideration the allegations, the physical custody of the present applicant is not required as nothing is to be recovered from him. As far as interrogation is concerned, appropriate conditions can be imposed on the applicant to attend the police station and cooperate with the investigating agency. In view of that, I proceed to pass the following order:

- i. The application is allowed.
- ii. The applicant/accused is hereby released on bail in the event of his arrest in connection with Crime no.46/2023 registered at Police Station, Shindkhedraja, District Buldhana for the offences punishable under Sections 306 and 504 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of ₹25,000/- with one or two solvent sureties in the like amount.

iii. The applicant/accused shall attend the Police Station as and when required for investigating purpose.

iv. The applicant/accused shall submit his mobile/phone number alongwith his address with address proof with the investigating officer.

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

With this, the application is disposed of.

JUDGE

Wagh