



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

CRIMINAL APPLICATION (ABA) NO. 660 of 2023

an s/o. Ravi Khandare...Versus.... The State, through PSO, PS Khandala, Tq. Pusad, District Yavatmal)

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

Court's or Judge's orders

Mr. V. Vishwarupe, counsel h/f Mr. H.Dhumale, counsel for applicant.
Ms. Dhote, APP for non-applicant/State.

**CORAM : SHIVKUMAR DIGE, J.
DATED : 7th NOVEMBER, 2023.**

The applicant apprehend arrest in Crime No. 367/2023, registered with Khandala Police Station, Tahsil Pusad, District Yavatmal, under Section 306 read with Section 34 of the Indian Penal Code.

2. It is prosecution's case that deceased was first informant's son. He had married with accused No. 1 on 25.5.2023. It is alleged that after the marriage, accused No. 1 used to talk with the applicant frequently. Due to said talk between accused No. 1 and the applicant, the deceased was in stress and out of that stress, he had committed suicide. It is alleged that there was illicit relationship between accused No. 1 and the applicant.

3. It is the contention of learned counsel for applicant that there is 22 days delay in filing the complaint. At the time of incident, accused No. 1 was not present in the house of the deceased and prior to the incident she had left the house. Learned counsel further submit that the applicant never abetted or instigated the suicide of deceased. The applicant is

falsely implicated in this case, hence, he has requested to allow the application.

4. It is contention of learned APP that applicant was having illicit relationship with accused No.1 and he used to talk with accused No.1 on her mobile phone though he was aware of the fact that accused No.1 was a wife of deceased. It is further submitted that due to frequent talk between accused No. 1 and the applicant, the deceased was under stress out of stress, he committed suicide. There is prima facie case against the applicant, hence requested for rejection of application.

5. I have heard learned counsel for the parties, perused the FIR and the charge sheet. The allegations against the applicant are that the applicant used to talk with accused No. 1, who was wife of the deceased. It appears that at the time of incident, accused No.1 was not present in the house of the deceased. There is 22 days delay in filing the complaint. From FIR it does not appear that applicant had instigated or abetted the suicide of the deceased. In view of above, I pass the following order :

ORDER

- i. The application is allowed.
- ii. In the event of arrest of applicant in Crime No. 367/2023, registered with Khandala Police Station, Tahsil Pusad, District Yavatmal, under Section 306 read with Section 34 of the Indian Penal Code, he be released on bail on his furnishing PR bond in the sum of

Rs.25,000/- with solvent surety of like amount, on the following conditions:

- a) The applicant shall not tamper with the prosecution witnesses.
 - b) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the accusation against him, so as to dissuade them from disclosing such facts to the Court and to any police officer.
 - c) The applicant shall attend Police Station, Khandale on every Sunday in between 11.00 to 2.00 p.m. and cooperate the Investigating Agency till filing of the charge-sheet.
 - d) The applicant shall not leave the Yavatmal District without prior permission of this Court.
 - e) the applicant shall produce the copy of his Aadhar card as his address proof and phone number to the Investigating Officer.
- iii. The application stands disposed of in above terms.

(SHIVKUMAR DIGE, J.)

Belkhede