



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

ANTICIPATORY BAIL APPLICATION NO. 261 OF 2024

ARUNA DEVIDAS PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Vikrant S. Palsikar, Advocate for Applicants
Mr. B.M. Dhanure, APP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th MARCH, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.56/2024, registered with Cantonment Police Station, Chhatrapati Sambhajinagar, for offence punishable under Sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Smt. Radhabai Devidas Wagh alleging that applicant No.1 is wife of her brother Devidas Shivilal Pawar. On 01/01/2024, at about 11:30 a.m. applicants came and due to anger of previous quarrel between her brother Devidas Pawar and his wife, all of them abused and assaulted her brother Devidas Pawar by slapping him. While leaving Anshu Devidas Pawar threatened deceased Devidas Pawar to cause his death. Thereafter, her brother committed suicide at about 07:30 p.m. by hanging himself. He was unconscious and was admitted at Ghati Hospital. After medical treatment he was declared as dead.

3. Heard learned advocate for applicants and learned APP for respondents/State. Perused the investigation papers.

4. On going through the FIR and investigation papers, *prima facie* there appears no material to show that applicants have abetted alleged commission of suicide by deceased. Therefore, *prima facie*, ingredients of Section 107 are not made out, hence Section 306 is not attracted to the facts of present case. Nothing is to be recovered from applicants, hence their pre-trial custodial detention is not necessary.

5. In the result, application is allowed by confirming interim protection granted to applicants by order dated 26/02/2024.

6. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)