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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.308 OF 2024

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| 1. | Popat Bhata Shinde | APPLICANTS |
| 2. | Rohit @ Bapu Popat Shinde | |
| 3. | Vakil Popat Shinde | |
| 4. | Dilip Popat Shinde | |

VERSUS

The State of Maharashtra and Another	RESPONDENTS
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Mr. Chaitanya C. Deshpande, Advocate for the applicants
Mr. S. R. Yadav Lonikar, APP for respondent - State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 22 of 2024 registered with Nizampur Police Station, District - Dhule for offence punishable under sections 306, 323, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Hiralal Jagan Padmor, alleging that, on 15th January, 2024 at about 8.00 a.m. his father had been to their agricultural and his younger brother went to the field with tiffin for his father at 2.00 p.m. His father was seen vomiting and he told brother of informant that at about 12.30 p.m. on the count of disputed way, accused Popat, Rohidas, Vakil and Dilip gave

threats to release said way or to face dire consequences. They also threatened to kill him. They beat father of informant with slaps. They also abused him. Due to that his father consumed pesticide and he expired during treatment.

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

4. FIR indicates that there was a dispute of right of way between informant's family and accused. On account of said dispute, informant's father was allegedly slapped and also was manhandled and threatened by accused persons on 15th January, 2024 at 12.30 p.m. According to informant, due to the same, his father consumed pesticides and committed suicide. Incident dated 15th January, 2024 is reported on 20th January, 2024. *Prima facie*, FIR does not make any ingredient of abetment to commit suicide. Therefore, section 306 of the Indian Penal Code is not made out from the allegations of the FIR. Nothing is to be recovered from applicants. Hence, their pretrial custodial detention is not necessary.

5. Learned APP submitted that after grant of interim protection, applicants have threatened informant. This can be taken care of by imposing suitable conditions.

6. In the result, application is allowed by confirming interim protection.

7. Till filing of charge sheet, applicants shall not enter village Hatti, Taluka - Sakri, District - Dhule, or visit their agricultural land. Applicants shall not, in any manner, try to contact and / or influence prosecution witnesses.

[NITIN B. SURYAWANSHI]
JUDGE

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