



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

ANTICIPATORY BAIL APPLICATION NO. 1986 OF 2023

MUNJAJI S/O GYANOJI RODGE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Mahesh P. Kale, Advocate for Applicant
Ms. U.S. Bhosale, APP for Respondent – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.206/2023, registered with Tadkalas Police Station, Parbhani, for offence punishable under Sections 306 and 506 of the Indian Penal Code.
2. FIR is lodged by Chhayabai w/o Datarao Nile, alleging that her husband Datarao Nile consumed poisonous medicine on 13/10/2023 and during treatment he expired on 18/10/2023. Her husband had taken advance of Rs.1 Lakh from applicant Munja Rodge for cutting sugarcane crop. After finishing work of cutting of sugarcane crop when accounts were being settled, it was found that her husband owed Rs.50,000/- to applicant. The said amount was to be cleared within two months. Applicant used to visit informant's house for said amount and was insisting that her husband should pay that amount. On 11/10/2023, when her husband was working in the field, applicant came and demanded amount of Rs.1 Lakh and left. On 13/10/2023, when her husband was at home applicant came

there and demanded his money and insisted that the same should be paid on the same day. Applicant forcibly took her husband on motorcycle. Thereafter applicant dropped her husband at about 02:30 p.m. near the field. When informant and her son went to see him, it was found that foam was coming from his mouth and one pesticide bottle was in his hand. When they asked him, he told that due to harassment by applicant he has consumed poison. FIR of making these allegations was lodged on 02/11/2023.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. It is a matter of record that Datarao was admitted in hospital and was undergoing treatment for five days. During that period no such complaint of instigation or abetment was lodged either by Datarao or by informant. Perusal of FIR *prima facie* shows that ingredients under Section 107 are not made out. Therefore, offence under Section 306 is attracted in present matter. Considering the delay in lodging FIR and allegations made in the FIR, custodial interrogation of applicant is not necessary.

5. Application is, therefore, allowed by confirming interim protection granted to applicant vide order dated 05th December, 2023.

(NITIN B. SURYAWANSHI, J.)