



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 293 OF 2024

Ganesh s/o Digambar Hingane Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Tamanna Amesar, counsel h/f Mr. G. D. Dani, counsel for the applicant.
Mr. M.J.Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/07/2024.

1. By this application, the applicant is seeking pre-arrest bail, in connection with crime No. 79/2024, registered with Police Station Shegaon, District Buldhana for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. As per the accusation against the present applicant, it was alleged by Sharda Vitthal Hingane, that she received information that her husband, Vitthal Hingane had hanged himself in the field and that the deceased had told one Sagar Hingane that he is committing suicide, and the present applicant alongwith other co-accused are demanding Rs. 10 Lakhs from him to settle the case. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Heard learned counsel for the applicant, he submitted that as far as the allegations are concerned, from which, it nowhere reveals that there was any type of abetment at the hands of the present applicant, as there is no instigation no adding, and no abetment to the deceased to commit suicide. There is no nexus between the abetment and the act of committing suicide. Now, the present applicant has already cooperated with the investigating agency and his further custodial interrogation is not required. In view of that, ad-interim anticipatory bail granted to the applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that considering the nature of the offence, the application deserves to be rejected. He further submitted that the deceased has committed suicide due to the abatement at the hands of the present applicant, and therefore, application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the investigation papers, from which it nowhere reveals that in what manner, the abetment was done by the present applicant to the deceased to commit suicide. Even the investigation papers, nowhere shows any nexus between the abatement and the act of committing suicide. Moreover, the custodial interrogation is not required, as only the name is mentioned in the chit, which is already seized by the investigating agency. In view of that, the interim protection

granted to the present applicant deserves to be confirmed.
Accordingly, I proceed to pass the following order:

- a) The application is allowed.
- b) The interim protection granted by order dated 26/04/2024 is confirmed on the similar terms and conditions.
- c) The applicant shall attend the concerned police station, till filing of the charge-sheet in view of the order passed on 26/04/2024.

The criminal application stands **disposed of**.

[URMILA JOSHI-PHALKE, J.]