

Order below Exh.1

1) The present application is filed U/sec.438 of Cr.P.C. for pre-arrest bail in connection with Crime No.392/2022, U/sec.302 r/w sec.34 of IPC registered with Shivaji Nagar Police Station, Latur.

2) The above referred crime is registered on the basis of FIR lodged by informant Sunita Hari Salunke on 16.9.2022. It is alleged by her that, she resides at Pune along with her son Kishor and her family. Her husband reside at village Sonkhed. She alleged that, her son Kishor is driver by profession. On 14.9.2022, Kishor left Pune by his vehicle on which he was working as driver and reached at Latur at 10.00 AM. Kishor informed her by telephone that he reached at Latur and he is with Pandurang Jadhav who is son of his maternal aunt. She alleged that, Kishor further informed her that he paid Rs.1500/- to Pandurang to be transmitted it in the account of neighbourer of the informant by Google Pay so as to pay this amount to his mother. But after receiving the amount of Rs.1500/-, Pandurang did not transmit this amount to be paid to the mother of Kishor and on this count dispute arose between Kishor and Pandurang. The informant thereafter called back to Kishor on telephone but the phone was received by Pandurang who was talking arrogantly to the informant.

She alleged that, thereafter on 15.9.2022, she received one call from her sister-in-law Vanita Mahadev Jadhav who asked the informant that Kishor had taken the motorcycle of Pandurang and consumed liquor and kept his motorcycle at some place which they do not know. She asked the informant to inquire with the Kishor as to whereat he kept the motorcycle of Pandurang. The informant told Vanita that she can inquire with Kishor himself and disconnected the phone.

3) She further alleged that, thereafter she received 2-3 calls from Pandurang during 12.30 pm to 12.40 pm on that day and lastly Pandurang informed her that Kishor slipped down and was taken to the hospital but the doctor declared him as dead. The informant got this news confirmed through others and reached to Latur at hospital and thereafter she lodged the report alleging that the applicants, Pandurang, his brother Siddeshwar and Rahul and their sister Vanita assaulted and killed Kishor by throttling. On the basis of this report, crime was registered as referred above.

4) Present application is filed submitting that even from the contents of the FIR, offence under Section 302 of IPC is not made out. It is further submitted that, nothing is alleged about any role played by the present applicant. It is further submitted that, there is delay of near about 16 hours and thus the allegations appears to be after thought.

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It is further submitted that, other accused were arrested and they were interrogated and the I.O. has also drawn the spot panchanama, recorded statement of witnesses and thus, the investigation is completed. It is submitted that applicant is woman and suffering from diseases and if she is kept in custody, her mental and physical conditions will deteriorate. It is further submitted that, nothing is to be recovered from present applicant, and thus her custodial interrogation is not necessary. Submitting that there is no possibility of her flaying away and she is ready to abide any condition if imposed, the applicant prayed to grant pre-arrest bail.

5) Application is objected by the I.O. by filing say vide Exh.6. Same is adopted by A.P.P. vide pursis Exh.7. I.O. objected the application submitting that offence is serious and investigation is in progress. He submitted that interrogation of applicant is necessary to investigate as to how the incident occurred and why the deceased was assaulted by accused persons and also to ascertain the motive behind committing the offence.

6) Heard both the sides at sufficient length. Ld. Advocate for applicant Shri.Bamankar submitted that none of the witnesses have stated anything about the role played by applicant. He submitted that informant is resident of Pune. She is not an eye witness and nothing is mentioned

about the source of information to make the allegations in her report. It is thus, submitted that custodial interrogation of applicant is not necessary and thus he prayed to grant pre-arrest bail.

7) As against it Ld.A.P.P. submitted that offence is serious one and she has also played certain role as appearing from the F.I.R. She called the informant on telephone who stated nothing lateron about the incident. Thus, she appears to be part of conspiracy. He submitted that her custodial interrogation is necessary to ascertain as to what happened and why deceased was assaulted. Thus, he prayed to reject the application.

8) After going through the allegations in F.I.R., it appears that informant and her deceased son are the relatives of the accused. It further appears that there was some money transaction in between deceased and accused Pandurang. It further appears that deceased had informed to informant about the quarrel which took place between him and the accused persons. It further appears that one of the accused Pandurang was not responding properly to informant, and the present applicant, on 15.09.2022 informed the informant on telephone that deceased Kishor has taken the motorcycle of accused Pandurang and by consuming liquor he kept motorcycle at unknown place which is not traceable. It appears that dispute might have arose on account of repayment of amount and keeping

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motorcycle elsewhere by deceased. As per the information given by deceased there was quarrel between deceased and accused persons and thus considering nature of offence and the reason shown by A.P.P. custodial interrogation of applicant is necessary. Interrogation is always not necessary for recovery of anything, but even to ascertain other aspect which is necessary for the purpose of investigation. Thus, I do not find substance in the application. Hence, application deserves to be rejected.

O r d e r

Application is hereby rejected.

Date :- 02.12.2022

(K. S. Totla)
Additional Sessions Judge-2,
Latur.