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

CRIMINAL APPLICATION NO.1023 OF 2017

Laxman Tukaram Ghodake,
Age: 40 years, Occ: Agri.,
R/o. Pardi, Tq. Washi,
Dist. Osmanabad.

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Satej S. Jadhav, Advocate for applicant;
Mr V.S. Badakh, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 1st MARCH, 2017

ORAL ORDER :

Deceased Mahadeo scribed two suicide notes, one to P.S.I. Washi Police Station on 3rd October, 2015 and another to his wife, which does not bear any date.

2. The dead body of deceased was found hanging to a tree and subsequent thereto, Accidental Death came to be registered pursuant to the statement of his father Vasant on 4th October, 2015.

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3. Subsequently, the complaint case came to be filed, resulting into registration of Crime being Crime No. 263 of 2016, for the offences punishable under Sections 306, 167, 120-B read with Section 34 of the Indian Penal Code.

4. The application is opposed by learned Additional Public Prosecutor on the ground that suicide notes specifically named the applicant and same are forwarded to the hand writing expert, whose opinion is awaited. Pursuant to the provisions of Evidence Act, particularly Section 73, if hand writing in both the suicide notes is verified with naked eyes, it cannot be prima facie inferred that the handwriting is of one and the same person.

5. Apart from above, father of victim initially gave statement that he has no doubt on any of the person.

6. In this background, in my opinion, custodial interrogation of the applicant is not warranted.

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7. In view of above, the following order is passed : -

(i) In the event of arrest of the applicant, the applicant be released on bail in Crime No. 263 of 2016 registered with Washi Police Station, District Osmanabad, for offences punishable under Sections 306, 167, 120-B read with Section 34 of the Indian Penal Code, on furnishing P.R. bond of Rs.25,000/-, with one or two sureties in the like amount.

(ii) The applicant shall attend the Investigating Officer on 16th and 17th March, 2017 between 10.00 a.m. and 12.00 noon and thereafter as and when called for.

(iii) The applicant shall not influence the prosecution witnesses or tamper with evidence.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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