

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 3395 OF 2017**

- 1 Dashrath s/o Sonaji More, Age 72 years, Occ. Agriculture, ... **Applicants**
R/o. Hiradpuri, Tq. Paithan,
District Aurangabad.
- 2 Balu s/o Dashrath More, Age 31 years, Occ. Agriculture, R/o. Hiradpuri, Tq. Paithan,
District Aurangabad.

VERSUS

The State of Maharashtra, ... **Respondent**
Through Investigating Officer,
Pachod, Police Station, Tq,
Paithan, Dist. Aurangabad.

Mr. R. V. Gore, Advocate for the applicants
Mr. A. R. Borulkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 18th JULY, 2017

ORDER:

1. Heard Mr. Gore, learned counsel appearing for the applicant and Mr. Borulkar, learned APP appearing for the respondent-State.

2. On 05.06.2017 the informant Ujwala widow of Navnath Bhosale was proceeding to her field at

Hiradpuri Shivar, at that time she found that her neighbour Vithabai i.e. another accused caused damage to sugarcane and was excavating Bund. On enquiry as to why she was doing so, Vithabai abused the informant. Then the present applicants arrived there and started to abuse her. On hearing their quarrel, her husband Navnath Bhosale came there. These applicants abused and beat the husband of the informant i.e. Navnath. The informant and witness Raghunath Bhosale tried to rescue the deceased from the clutches of the applicants. Thereafter they gave threats to the deceased to kill and went away.

3. On 06.06.2017 the informant and her son Ashok had been to Mahakala Tq. Ambad to attend marriage ceremony of relatives. At 2 p.m. her elder son informed her on phone of Tulshiram Bilare that her husband Navnath Bhosale committed suicide by hanging. On receipt of such information immediately they rushed to the spot and saw the dead body of deceased Navnath Bhosale hanging. On the basis of the information given by the informant offence came to be registered against the present applicants and

other co-accused at Crime No. 170/2017 with Pachod Police Station, District Aurangabad for the offences punishable under section 306, 323, 504, 506 r.w. 34 of the Indian Penal Code.

4. On perusal of the statement of witnesses it appears that, all the witnesses were saying about the incident of 05.06.2017, that was quarrel between the present applicants, informant and the deceased. However, no such circumstances are brought on record to show that these applicants have created the circumstances which led the deceased to commit suicide. In absence of such evidence and circumstances, prima-facie, it appears that the evidence collected by the prosecution is insufficient. Furthermore, statement of almost all witnesses are recorded and practically investigation is over. Considering the above aspect, applicants are entitled for bail. Hence, following order.

O R D E R

- (1) The applicants be enlarged on bail in connection with Crime No. 170/2017, registered with Pachod Police Station, District

Aurangabad, on their executing P.R. Bond of Rs. 10,000/- [Rs. ten thousand only] each, with one solvent surety in the like amount.

5. Criminal application disposed of.

(K. L. WADANE, J.)

mkd/-