

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

**8 ANTICIPATORY BAIL APPLICATION NO.696 OF 2021
WITH
APPLN/1453/2021
IN
ABA/696/2021**

1. Mohan s/o Bapurao Rathod,
Age; 40 years, Occ; Agri,
R/o; Market Yard, Mantha,
Tq. Mantha, Dist; Jalna.
2. Shalubai @ Silabai w/o Mohan Rathod,
Age; 30 yers, Occ; Household,
R/o; As above.
3. Tukaram s/o Bapurao Rathod,
Ae; 35 years, Occ; Agri,
R/o; As above.
4. Shilpabai w/o Tukaram Rathod,
Age; 27 years, Occ; Agri,
R/o; As above.
5. Babu @ Vishnu s/o Bapurao Rathod,
Age; 38 years, Occ; Agri,
R/o; As above.
6. Parubai w/o Balu @ Vishnu Rathod,
Age; 33 years, Occ; Agri,
R/o; As above.

...Applicants

VERSUS

The State of Maharashtra,
Through Police Station Mantha,
Tq. Mantha, District; Jalna.

...Respondent

...
Advocate for Applicants : Mr.Gadegaonkar Bharat N.
APP for Respondent-State : Mr. A.V. Deshmukh
Advocate for Complainant : Mr. Sandeep Rathod (Assist to APP)

...

CORAM : SANDEEP K. SHINDE , J.

DATE : 23th July, 2021.

P. C. :

1. Apprehending the arrest in connection of crime No 149 of 2021 registered with Mantha Police Station, District Jalna, for the offences punishable under Sections 304 (B), 498-A, read with Section 34 of Indian Penal Code ('IPC' for short), the applicants seek pre-arrest bail.

2. Applicants No. 1, 3 and 5 are the brother-in-laws of the deceased Sonu; whereas, applicants No. 2, 4 and 6 are their wives. Sonu, the (deceased), committed suicide by hanging dated 27.05.2021. Her husband is the co-accused. Sonu's Reported probable cause of the death was due to 'Acute Cardio-respiratory Arrest Due To Asphyxia Due To Hanging'.

3. The deceased Sonu had married to Dnyaneshwar in the year 2012. Investigation revealed that on 26th May, 2020, Crime No. 168 of 2020 under Sections 327, 324, 143, 147, 148, 149, 323, 504, 506 and 427 of the IPC was registered against the applicants No. 1, 3 and 5 at the instance of Sonu, over a dispute relating to supply of electricity connection. On 22nd July, 2020, the deceased had lodged another report against applicants over an incident of alleged assault,

which was registered under Sections 307, 324, 323 of IPC. On 23rd July, 2020, the deceased had filed 3rd FIR No. 271 of 2020, against the applicants No. 1 and 5, under Sections 354, 457 and 380 of IPC. Thus, to be stated that the family members of the applicants and the deceased were on inimical terms. FIR in question is filed by the father of the deceased alleging that applicants were harassing his daughter for not meeting their unlawful demands for property and valuables. However, in the backdrop of three reports filed by the deceased against applicants, the allegations of harassment with a view to coercing the deceased or persons related to her to meet unlawful demand, were not probable.

4. Be that as it may, learned counsel for applicants would contend that it was not the case of suicide, but Sonu was murdered by the applicants. He would rely on the photographs of the deceased, to show injuries on her face. However, in postmortem report autopsy surgeon, did not mention any kind of injuries in column No. 17, except ligature marks. For this reason, the contention of the complainant is rejected.

5. Be that as it may, for the reasons stated above, the case is made out for granting application. Thus, the following order :

6. (i) In the event of arrest of applicants in connection with crime No 149 of 2021 registered with Mantha Police Station, District Jalna, for the offences punishable under Sections 304 (B), 498-A, read with Section 34 of Indian Penal Code, they shall be released on bail on executing P.R. bond each in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

(ii). The applicants shall report to the Investigating Officer, on 28th and 30th July, 2021, between 11.00 to 1.00 p.m. and thereafter on 3rd, 6th, 9th and 13th of August, 2021.

7. This application along with Criminal Application No. 1453 of 2021 for assist to APP, are allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE)
JUDGE