

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

**925 ANTICIPATORY BAIL APPLICATION NO.650 OF 2021
WITH
CRIMINAL APPLN/1466/2021
IN
ABA/650/2021**

1. Rajabhau s/o Yada Zodge,
Age; 50 years, Occ; Labour,
(application to the extent of applicant No.1
is already rejected vide order dated 29-06-2021)
2. Laxman s/o Sadhu Zodge,
Age; 50 years, Occ; Labour,
3. Nilesh s/o Laxman Zodge,
Age; 20 years, Occ; Labour.
4. Ashwini d/o Rajabhu Zodge,
Age; 25 years, Occ; Labour,
5. Nitin s/o Achutrao Zodge,
Age; 29 years, Occ; Labour.
6. Bharat s/o Yada Zodge,
Age; 55 years, Occ; Labour,

All R/o village Pusara, Tq. Wadwani
District; Beed.

...Applicants
(Orig. Accused)

VERSUS

The State of Maharashtra
Through Police Station Wadwani,
District; Beed.

...Respondent

...

Advocate for Applicants : Mr.Bhosle Santosh B.

APP for Respondent-State : Mr. V.S.Badak

Advocate for the Complainant : Mr. A.V.Lavte (Assist to learned APP)

...

CORAM : SANDEEP K. SHINDE , J.

DATE : 3rd August, 2021.

P. C. :

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the Complainant (assist to learned APP).

2. It is an application for bail, in connection with the crime No. 97 of 2021, registered at Wadwani Police Station, District Beed, for the offenses punishable under Sections 306, 143, 147, 148, 149, 324, 504, 506 of the Indian Penal Code ('IPC' for short), the applicants seeking pre-arrest bail.

3. Prosecution would allege that the deceased was severely assaulted by applicant/accused No.1-Rajabhau Zodge and his family members on account of illicit relation of deceased with married daughter of Rahabhau Zodge. Soon thereafter Samadhan (deceased) committed suicide. Co-accused Rajabhau and others applied for pre-arrest bail. This court vide order dated 29-06-2021 observed that "Rajabhau was having some motive and could have caused the deceased to commit suicide by assaulting him the previous night". For this reason, Rajabhau's application for pre-arrest bail was rejected.

4. In so far as other applicant Nos. 2 to 6 are concerned, the evidence on record does not suggest that either they were causing constant humiliation to the deceased Samadhan, owing to which deceased was left with no option but to commit suicide. In

fact, prosecution witness, Tejas Ujgare told police that deceased was upset and feeling humiliating after he was assaulted by Rahabhau and therefore, he committed suicide. In my view, the allegations against the applicant Nos. 2 to 6 prima-facie do not satisfy the ingredients of Section 107 of the IPC. For these reasons, their application is allowed on the following terms and conditions.

ORDER

i. In the event of arrest of the applicants No. 2. Laxman s/o Sadhu Zodge, 3. Nilesh s/o Laxman Zodge, 4. Ashwini d/o Rajabhau Zodge, 5. Nitin s/o Achutrao Zodge, 6. Bharat s/o Yada Zodge, in connection with Crime No. 97 of 2021, registered at Wadwani Police Station, District Beed for the offenses punishable under Sections 306, 143, 147, 148, 149, 324, 504, 506 of the Indian Penal Code, they shall be released on bail on executing P.R. bonds each in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with one or more sureties in the like amount.

(ii) The applicants shall report to the Investigating Officer, as and when called.

5. Application is allowed and disposed of. Consequently Criminal Application No. 1466 of 2021, for assist to learned APP is also disposed of.

(SANDEEP K. SHINDE)
JUDGE

mahajansb/