

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

ANTICIPATORY BAIL APPLICATION NO. 1043 OF 2021

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| 1. | Ashok Lakha Koli
Age 56 years, Occu: Agri. | ... | Applicants |
| 2. | Sagar Ashok Koli
Age 23 years, Occu: Agri. | | |
| 3. | Pankaj Sanjay Koli
Age 23 Years, Occu: Agri.
All R/o Mandal Tq. Amalner,
District Jalgaon | | |

VERSUS

The State of Maharashtra, Through Marwad Police Station, Amalner, Dist. Jalgaon	...	Respondent
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Mr. Amol S. Sawant, Advocate for the applicants,
Mr. S. B. Narwade, A.P.P. for the State.

CORAM	:	V. G. BISHT, J.
DATE	:	27th September, 2021

ORDER:

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 103/2021 registered with Marwad Police Station, Amalner, District Jalgaon for the offences punishable under Sections 306, 452, 294, 323, 504, 506, 34 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 14.07.2021, at about 8.30 p.m. to 9.00 p.m., all the applicants entered into the house of informant, abused without any reason and beat the informant's husband (since

deceased) by fist and kick blows. They also threatened to kill the deceased. The prosecution alleges that because of this harassment, the deceased on the very next day i.e. on 15.07.2021, in between 8.00 a.m. to 10.00 a.m., committed suicide by consuming pesticide.

3. Mr. A. S. Sawant, learned counsel for the applicants, submits that reading of complete first information report would nowhere show any sort of abetment or instigation at the hands of applicants so as to compel the deceased to commit suicide. Having regard to the nature of allegations, there is no necessity of custodial interrogation. In such circumstance, the application deserves to be allowed, argued learned counsel.

4. Mr. S. B. Narwade, learned A.P.P., on the other hand, would oppose the submissions by contending that investigation is going on and at this stage applicants should not be given benefit of pre-arrest bail.

5. A plain reading of the first information report would show the solitary incident of alleged beating at the hands of applicants on 14.07.2021 wherein the deceased was assaulted by means of fist and kick blows and also was given death threats. It is also clear from the first information report that on the very next day, the deceased committed suicide by consuming pesticide. The whole first information report does not in any manner reflect any kind of instigation or abetment at the hands of the applicants.

6. Learned A.P.P., during the course of argument, invited my attention to the statements of witnesses wherein the deceased had uttered that these applicants should not have abused and beaten him in presence of his family members and since he was insulted, he further said that it would be better that he should die.

7. I have already pointed out that this was the solitary incident wherein the applicants allegedly beat the deceased which the deceased could not tolerate and ultimately committed suicide. Ingredients of section 306 IPC are prima facie missing. In my considered opinion, the present application deserves consideration. Hence, the following order.

O R D E R

- i. In the event of arrest of the applicants in connection with Crime No. 103/2021 registered with Marwad Police Station, Amalner District Jalgaon for the offences punishable under Sections 306, 452, 294, 323, 504, 506, 34 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.15,000/- [Rs. Fifteen thousand only], with one or two solvent sureties in the like amount.
8. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC