

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

955 BAIL APPLICATION NO.1244 OF 2021

**RAJABHAU YADA ZODGE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S. B. Bhosale, Advocate for the advocate
Shri. S. D. Ghayal, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 28th OCTOBER, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure in connection with Crime No. 0097 of 2021 registered with Wadwani Police Station, District Beed for the offence punishable under Sections 306, 143, 147, 149, 324, 323, 504, 506 of the Indian Penal Code.

2. Facts in brief are that the informant is the brother of the deceased. Deceased was a married man for 9 to 10 years. The deceased Samadhan had illicit relations with one Ashwini Rajabhau Zodge. On 16th May, 2021 at 10.00 p.m. when the deceased was sleeping on the terrace, Rajabhau

Yada Zodge the father of Ashwini Rajabhau Zodge, called out the deceased. The informant, his mother, sister and cousin went to the house of the applicant Rajabhau Zodge. Applicant, his brother Vijay, Laxman Zodge, Nilesh Zodge, Ashiwni Zodge, Nitin Zodge, Bharat Zodge were present there. They started beating the deceased with kicks and fist blows. The deceased rescued himself from their clutches and ran away. On the next day i.e. on 17th May, 2021, the informant came to know about the suicide of the deceased.

3. Heard Shri. Bhosale, learned counsel for the applicant and Shri. Ghayal, learned APP for the respondent/State.

4. Learned counsel Shri. Bhosle for the applicant submits that this was the sole instance of beating by the applicant and others to the deceased. Before the incident there was no such incident of any kind. He further submits that the deceased was beaten on account of illicit relations between him and daughter of the applicant.

5. Learned APP Shri. Ghayal submits that the applicant and the accused had made life of the deceased miserable because of which he committed suicide.

6. No suicide note was found with the deceased. Learned APP invited attention of this Court to the statements of Tejas Ujgare. From this statement it appears that the deceased had told him that he (the deceased) had helped the applicant financially and in return, he got the beating from the applicant. He felt that he had no face to show because of the embarrassment. It appears from the statement of this witness that the deceased committed suicide out of frustration. Even otherwise there is nothing on record to show that the applicant instigated the deceased to commit suicide. There is nothing on record to show that the applicant wanted to bring about the suicide of the deceased. In this view of the matter, since charge-sheet is filed, I am inclined to release applicant on bail. He does not have criminal antecedents. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 0097 of 2021 under Sections 306, 143, 147, 149, 324, 323, 504, 506 of the Indian Penal Code registered with Wadwani Police Station, Dist. Beed and on condition that he shall not interfere in the investigation and shall not influence the witnesses.
3. Application is disposed of.
4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp