

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1220 OF 2020

Smt. Vithabai Sakharam Koli Applicant

Versus

The State of Maharashtra & another Respondents

Mr. K.C. Sant, Advocate for the applicant.
Mr. R.B. Bagul, APP for respondents.

CORAM : M.G. Sewlikar, J.
DATE : 29th January, 2021.

PER COURT :

1. This is an application under Section 438 of the Code of Criminal Procedure seeking anticipatory bail.

2. The facts leading to this application are that the deceased Ajay was the son of the informant. He was 18 years of age at the time of the incident. He was handicapped by one upper limb and by one lower limb . It is alleged in the First Information Report that the deceased had seen the applicant and one Brijlal Bhil in compromising position. The deceased was shedding tears in the house. On enquiry, the deceased said that he had seen the applicant and said Brijlal in compromising position and on that count, the

applicant was threatening him. The informant had taken Rs. 7,000/- from the applicant and the applicant was insisting to return that amount and, on that count, was threatening the informant.

3. It is further alleged that on 16.03.2020 at 9.00 am, the informant had gone for grazing she goats. On coming back at 12.00 noon, he found that the deceased had hanged himself. The informant and others brought the dead body down. It is further alleged in the First Information Report that the deceased committed suicide as the applicant was threatening him for having seen the illicit relations between her and Brijlal. Because of the threats, the deceased was in severe stress. On that count, he put an end to his life.

4. Heard Shri Sant, learned counsel for the applicant and Shri Bagul, learned APP for the State.

5. On perusal of the papers, it transpires that the incident took place on 16.03.2020 and the First Information Report was lodged on 17.11.2020. There is, thus, delay of 8 months in lodging the First Information Report, for which no plausible explanation is

forth coming. It appears that the deceased did not leave any suicide note. The statements of other witnesses are in tune with the First Information Report. Having regard to this, it does not appear that custodial interrogation of the applicant is necessary. In this view of the matter, interim relief is confirmed on the same terms and conditions. Application accordingly stands disposed of.

(M. G. SEWLIKAR)
JUDGE

dyb