

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 ANTICIPATORY BAIL APPLICATION NO.57 OF 2022

RATNAKAR SHYAMRAO TARU

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. D.M. Shinde, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08th FEBRUARY, 2022

ORDER :

1 Applicant is apprehending his arrest in connection with Crime No.205/2021 dated 19.11.2021 registered with Mudkhed Police Station, Dist. Nanded, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. D.M. Shinde for the applicant and learned APP Mr. A.M. Phule for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report, which has been lodged

by the brother of the deceased, would show that there was some dispute in respect of amount to be given in respect of water supply as against accused No.1. It is stated that on 17.11.2021 deceased had demanded the amount to accused Nos.1 and 2, but then they had resisted. It was told by accused Nos.1 and 2 that they would involve him in false case under Atrocities Act and, therefore, the deceased had gone to the Police Station, Mudkhed to give the information and when he came out, the present applicant went near him and threatened him, as to why he is asking the amount from accused. He disclosed himself to be a party member and then gave threat that deceased should leave or not demand the amount from accused No.1. According to the informant, thereafter, the deceased was under tension and then he committed suicide on 19th November, 2021.

4 Perusal of the police papers would show that major part of the investigation appears to be over, in a sense, whatever was to be recovered from the spot has been recovered at the time of drawing spot panchnama. So also, the Postmortem has been done. The informant who is the brother of the deceased, has stated that the deceased Ramkishan has committed suicide at about 10.00 a.m. on 19.11.2021. He wants to connect the said incident to the incident dated 17.11.2021 at about 10.00 a.m. However, as regards the present applicant is concerned, as aforesaid, it is stated that he was present

outside the gate of the Police Station, where Ramkishan had gone to lodge report in respect of incident dated 17.11.2021. The obvious question would be - Why Ramkishan did not go inside the Police Station immediately after the alleged incident and lodged report about that incident also ? Informant was admittedly not present before the Police Station when the said alleged incident has taken place on 17.11.2021 in respect of present applicant. Whether anything disclosed by deceased Ramkishan in respect of that incident to the informant can be taken as circumstance leading to his death and could be made admissible under Section 32 of the Indian Evidence Act, would be a question to be decided at the time of trial. But, at this stage, the fact remains that the applicant has fixed place of abode and as regards his alleged antecedents are concerned, it is stated that since he is involved in political party, there are cases in respect of damage to public property, which was against mob of 200. That cannot be a hurdle for applicant to be released on bail. He is also involved in another offence under Section 307, 341 of the Indian Penal Code etc. along with 11 persons. The point of criminal antecedents could have been considered more elaborately, if there would have been prima facie evidence regarding the involvement of the present applicant in the present crime. No doubt, the First Information Report states about the threat given by the present applicant to the deceased, however, whether the said alleged threat given two days earlier to the incident would

amount to abetment to commit suicide, itself is a question. Therefore, the interim protection granted by this Court earlier to the applicant deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 18.01.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Ratnakar Shyamrao Taru**, in connection with Crime No.205/2021 dated 19.11.2021 registered with Mudkhed Police Station, Dist. Nanded, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall attend Mudkhed Police Station, on every Monday between 10.00 a.m. to 12.00

noon, till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

agd