

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.437 OF 2022

AVINASH PRABHU SONWANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shivaji Bhimrao Bhapkar
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 27-07-2022

PER COURT :-

Heard the learned counsel for the applicants and the learned APP for the respondent/State.

2. The prosecution has a case that the deceased had an affair with one girl. Both of them eloped and got married. However, a crime was registered against him for the offence punishable under Section 376 and other sections of the Indian Penal Code ("IPC"). He was attending the trial at Nanded. When he had been to the Court at Nanded on 23-11-2021, the maternal uncle of a said girl with other few peoples were threatening him. Therefore, he was feeling not to live. The complainant and some others explained to him on the day of the incident. The complainant and his wife went to attend the marriage, and when they returned home, they saw

the door locked from the inside. Then they managed to intrude into the house. They found that their deceased son committed suicide by hanging himself. A video clip was also found in the mobile handset, which was kept in the pocket of the deceased. The five persons, including the applicants, have been unnecessarily blamed for his death.

3. The learned counsel for the applicants would submit that a serious offence was registered against the deceased after the illegal marriage with a girl. The applicants are residents from different places from the deceased and the complainant. They had no opportunity to meet the deceased. The applicants are not even the relatives of the maternal uncle of the said girl. They never threatened the deceased. Due to the crime registered against him, he was depressed and wanted to take revenge on the family members of that girl. He has deliberately disclosed the name of the applicants in that video clip. The veracity of the video clip is yet to be examined. The son of the complainant had committed suicide in her house. Nothing is to be recovered from the applicants. The applicants are law-abiding persons and have no antecedents to their discredit. The applicants are piece-loving and law-abiding persons. However, unfortunately, the applicants have been arraigned as accused in the offence with which they have no concerned at all. Therefore, anticipatory bail may be granted to the applicants.

4. The learned APP for the respondent/State has strongly opposed the application and, referring to the case diary, has vehemently argued that in a video clip deceased had taken notes of the applicants. That is the sufficient evidence to believe that the applicants had constrained the deceased to commit suicide. There is nothing to be recovered from the applicants. The offence is serious; a young boy has lost his life. Even after registering the crime against him, the relatives of the girl threatened the deceased and the applicants were with them when he was threatened. Therefore, the applicants have no case for anticipatory bail.

5. This Court has granted interim protection to the applicants. Most of the facts are admitted. The girl with whom the deceased married turned hostile, and on her report, the offence under Section 376 and other sections were registered against the deceased. The suicide clip is the only evidence with the prosecution. That may be used as evidence against the applicants during the trial. The offence under Section 306 of the IPC has been registered against the applicants. It is a fact that the deceased committed suicide in his own house. The applicants are the residents of another village. In view of the facts of the case, this Court is of the view that the prosecution has nothing to satisfy the Court that the custodial interrogation of the applicants would serve

the purpose. Therefore, this Court is of the view that the application deserves to be allowed. Hence, the following order-

- i) The application is allowed.
- ii) The interim protection granted to the applicants by this Court, by order dated 11.04.2022, is confirmed on the same terms of the bail bonds.
- iii) The condition that the applicants shall attend the police station every Sunday between 10.00 a.m. to 2.00 p.m. till the filing of the charge sheet is discharged.

(S. G. MEHARE)
JUDGE

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