

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

BAIL APPLICATION NO.962 OF 2022

Laxman Rohidas Rathod

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENTS

.....
Mr. Ram S. Shinde, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 1st AUGUST, 2022.

PER COURT :

Heard learned counsel for the applicant. This is an application for bail under Section 439 of the Code of Criminal Procedure. This Court has allowed the bail application of applicant No.2 Ram Rohidas Rathod by order dated 27/7/2022.

2. The applicant has been arrested in connection with Crime No.113/2022, registered at Udgir City Police Station, District Latur for the offence punishable under Sections 306, 323, 506 read with Section 34 of the Indian Penal Code.

3. The F.I.R. has been lodged by mother of the

deceased on 7/5/2022. The applicant is a Mukadam. He would supply persons for sugarcane harvesting. Deceased Lalita was working with him. The applicant had paid her some advance money. In return thereof, she was supposed to work for him. It so happened that, on 11/5/2022, the applicant brought the deceased to her mother's house. While leaving the house, he told her that, she will have to work for him until the entire amount is set off. He went away on 1/5/2022 itself. The deceased related her mother that the applicant had ill-treated her physically and, therefore, she was apprehensive of resuming work with him. As per the F.I.R., the deceased hanged herself on 2/5/2022 by 12.00 noon. She was rushed to the hospital. She got discharged against medical advice on 4/5/2022. She was again admitted to the hospital on 6/5/2022. She breathed her last on 7/5/2022.

4. The learned counsel for the applicant would submit that, from 1/5/2022 until the deceased breathed her last, no report was lodged against the applicant. According to learned counsel, there is no suicide note. Even we accept the case of the prosecution as it is, the applicant might have committed offence punishable under Section 323 of the Indian Penal Code. He cannot be said to have abetted suicide by deceased Lalita.

5. The learned A.P.P. would, on the other hand, submit that, there is eye witness account. He brought to the notice of this Court statements of witnesses Ravi Kastle, who claims to have seen the applicant assaulted the deceased on 1/5/2022. The learned A.P.P. would point out Column No.17 of the post mortem report to suggest existence of some injuries on the person of the deceased. The learned A.P.P., therefore, urged for rejection of the bail application.

6. Considered the submissions advanced. Perused the F.I.R. and related papers. The applicant is a Mukadam. The deceased was working with him as a sugarcane harvester. She had received some amount in advance. She was expected to work with the applicant until the amount received in advance is cleared. On 1/5/2022, the applicant had brought the deceased at her mother's residence. The deceased attempted to commit suicide on 2/5/2022. She was immediately rushed to the hospital. She breathed her last on 7/5/2022. Until her demise, no complaint was lodged against the applicant herein alleging him to have threatened the deceased and physically assaulted her. The deceased did not leave behind any suicide note. On investigation, charge sheet has now been filed. It will take time for commencement and conclusion of the trial.

7. The post mortem report gives the cause of death as "Neurotic brain infarct in a treated case of near hanging." However, viscera and other than viscera were preserved for chemical analysis. In view of completion of investigation the charge sheet is filed, and it will take time for commencement and conclusion of the trial, I am inclined to grant bail to the applicant. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant Laxman Rohidas Rathod be released in connection with Crime No.113/2022, registered at Udgir City Police Station, District Latur for the offence punishable under Sections 306, 323, 506 read with Section 34 of the Indian Penal Code on his executing P.R. bond in the sum of Rs.50,000/- (Rupees fifty thousand) with one surety in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) The Bail Application is disposed of.

(R. G. AVACHAT)
JUDGE

fmp/-