

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

BAIL APPLICATION NO. 890 OF 2022

Anna @ Satish Nabaji Thorat	... Applicant No.2
Versus	
The State of Maharashtra	... Respondent

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Mr. S. R. Andhale, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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**WITH
CRIMINAL APPLICATION NO. 2183 OF 2022**

Vitthal Namdev Davhan	... Applicant
Versus	
Ujwala Sharad Thorat and others	... Respondents

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Mr. N. B. narwade, Advocate for applicant
Mr. S. R. Andhale, Advocate for respondent Nos. 1 and 2
Mr. A. V. Deshmukh, APP for respondent No.3 - State

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CORAM : R. G. AVACHAT, J.

DATED : 11th AUGUST, 2022

PER COURT :-

1. Criminal Application No. 2183 of 2022 is allowed. The original complainant is permitted to assist the learned APP.

2. Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0421/2022, registered at Rahuri Police

Station, District Ahmednagar, for the offence punishable under Section 306 read with 34 of the Indian Penal Code.

3. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by father of the deceased Rushikesh on 21.05.2022. It is his case that his son Rushikesh (deceased) was intellectual. He wanted to clear Public Service Commission's examination. The cousin of the informant had a dispute with the applicant over agricultural land. A crime was registered on 14.05.2022 against applicant Anna and others for having kidnapped Sachin, son of the informant's cousin. Accused in the said crime had therefore met the informant and asked him to prevail upon him his cousin Hanmant to withdraw the FIR. The informant, in turn, had asked them to directly talk to him. A false FIR, therefore, came to be registered against the informant, his son and Sachin, alleging them to have outraged the modesty of a woman. Then they started telling Rushikesh that now he would be arrested. They would ensure that he is not granted bail. The matter was published in print media. Rushikesh started feeling that he would therefore not be successful in his life. He felt to have been

defamed. He thought, there is no point in living. He always used to be under tension. On 18.05.2022, Rushikesh set himself ablaze at Ahmednagar Court premises. He was rushed to the hospital. Rushikesh unfortunately died on 21.05.2022. A crime therefore came to be registered against the applicant and others.

4. The learned Advocate for the applicant would submit that though Rushikesh met with unfortunate death, the applicant could not be said to have abetted his suicide. According to him, on investigation, the charge-sheet has been filed. He, therefore, urged for grant of bail.

5. The learned APP and the learned Advocate for the intervenor would, on the other hand, submit that a young boy had finished his life due to torturous acts of the applicant and co-accused. They, therefore, urge for rejection of the application.

6. Considered the submissions advanced. Perused the FIR and related papers.

True, Rushikesh, a young boy with promising career, had to end his life. The reason therefor is stated to be a false FIR lodged against him and his father, alleging them to have outraged the

modesty of a woman. The deceased Rushikesh appears to have taken it seriously to his heart. I do not propose to make any observations regarding merits of the matter. Suffice it to say whether lodging of a false FIR, as a result thereof, Rushikesh's committing suicide amounts to abetment of suicide would only be decided on trial of the case. Investigation of the crime is over. Charge-sheet has been filed. It will take time for commencement and conclusion of trial. The application is allowed in terms of following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0421/2022, registered at Rahuri Police Station, District Ahmednagar, for the offence punishable under Section 306 read with 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]