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

ANTICIPATORY BAIL APPLICATION NO.1225 OF 2022

1. Sona s/o Tedgya Vasave
2. Kalubai w/o Sona Vasave ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Advocate for Applicants : Ms. R.L. Jakhade h/f Mr. Kulkarni Suniket
Anil

APP for Respondent/State : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : 06th OCTOBER, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The facts and allegations have been discussed in detail in an order dated 14.09.2022. Considering the relation between the deceased and the applicants and the allegations levelled against the applicants, interim protection was granted.
3. Learned APP has collected the CA report and state that the death was due to the head injury with consumption of alcohol. The learned APP would submit that the CA report reveals that the deceased had consumed the alcohol. The final cause of death is due to asphyxia due to hanging (unnatural) Associate Finding - Head

Injury and under influence of alcohol. Considering the final opinion of the medical expert, there are grounds to doubt the injury sustained to the deceased on head. Therefore, the application may be rejected.

4. Learned counsel for the applicants would submit that the main cause of death is asphyxia due to hanging. Since he had consumed alcohol, the possibility of falling down under the influence of intoxication cannot be ruled out. The applicants have no reason to kill the deceased. The final cause of death reveals that the death was due to asphyxia due to hanging. The CA report reveals that the deceased had consumed a good quantity of alcohol.

5. The allegations against the applicants were that on 02.08.2022, the brother of the applicant no.2 assaulted the deceased with stone which caused injury to his leg. On 03.08.2022, the complainant went to the field. When she returned home, she did not find the deceased. On the next day, she learnt that her husband committed suicide in the field of Mangesh Vasave. There are no eye witnesses. Considering the cause of death coupled with the CA report, it would be difficult to say that the death of the deceased was caused purely due to head injury. There are also signs of hanging. No other signs of his unnatural death were found to the medical officer. In the circumstances, the applicants have a good case for anticipatory bail. Hence, the following order :

ORDER

- I) Application is allowed.
- II) Order granting interim protection to the applicants dated 14.09.2022 is confirmed on the same terms and conditions.

(S.G. MEHARE, J.)

Mujaheed//