

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

BAIL APPLICATION NO.1597 OF 2022

Ajay @ Bablu s/o. Samadhan Ingole	..Applicant
Vs.	
The State of Maharashtra and anr.	..Respondent

Mr.Shakh Wajeed Ahmed, Advocate for applicant
Mr.A.V.Deshmukh, APP for respondent no.1
Ms.Sayali S. Kulkarni, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 07, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.163 of 2022 registered with Sengaon Police Station, Tq. Sengaon, Dist.Hingoli, for the offences punishable under Sections 306 and 354-D read with Section 34 of Indian Penal Code; Sections 3(1)(w) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; and Section 12 of the Protection of Children from Sexual Offences Act.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the father of the deceased, a 13 years and 6 months old girl. It is alleged that the applicant and the co-accused would tease the informant's daughter (deceased). She was fed up with all kinds of teasing by the applicant and the co-accused. She, therefore, decided to end her life. In such exercise, she consumed rat poison on 23.05.2022. She had, therefore, to be rushed to the hospital. Unfortunately, she breathed her last.

4. Learned APP and learned counsel appointed to represent the informant would submit that it is an offence under Section 305 of Indian Penal Code, since the applicant abetted commission of suicide by a child. The Investigating Officer has wrongly invoked Section 306 of Indian Penal Code. Learned counsel also invited this Court's attention to paragraph 3 of the order passed by the trial Court, rejecting the application of the applicant for bail. According to her, the applicant and the co-accused were threatening the witnesses. The trial Court should be directed to expedite hearing of the case. Learned counsel for the informant and learned APP would, therefore, urge for rejection of the application.

5. Considered the submissions advanced and the related police papers. The applicant is 19 years of age. The deceased committed suicide by consuming rat poison. There is no suicide note. The FIR is based on what has been narrated to the informant by the deceased. The same is part of oral dying declaration. On investigation, charge sheet has been filed. Whether the alleged act of the applicant of teasing the deceased, amounts to an intentional act forcing her to commit suicide or end her life, could only be ascertained during trial of the case. In view thereof, this Court is inclined to grant the applicant bail.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.163 of 2022 registered with Sengaon Police Station, Tq. Sengaon, Dist.Hingoli, for the offences punishable under Sections 306 and 354-D read with Section 34 of Indian Penal Code; Sections 3(1)(w) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; and Section 12 of the Protection of Children from Sexual Offences Act, on executing P.R. Bond in the

sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP