

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1509 OF 2021

1. Pintu @ Tejusing Hira Jadhav
 2. Ankush Ram Rathod
 3. Arjun Pandurang Rathod
 4. Bandu Hariba Rathod
- ... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. Apparao Yenegure, Advocate for applicants.
Mr. A. M. Phule, APP for the respondent – State.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10.01.2022

ORDER :-

1. The applicants are apprehending their arrest in connection with Crime No.53 of 2021 registered with Murum Police Station, Dist. Osmanabad for the offences punishable under Section 306 read with 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Apparao Yenegure for the applicants and learned APP Mr. A. M. Phule for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been lodged by one Sandip Sidram Dhangapure, who is the son of deceased Sidram. He has stated that he resides with his family members. About one and half months prior to 13.03.2021, he had gone to the neighbouring agriculturist Sudhakar's field. One of the lady, who is residing in the field of Sudhakar, had come to drink water. Because of her presence, another lady had taken suspicion over the informant and he was assaulted. Thereafter, the informant went to his field, but then one Kamlakar Jadhav and Bebabai were searching him, at that time, again the lady on account of whom the suspicion was raised informed him that they should run away as there is fear of assault to them. Therefore, the said lady and informant went to Pune. The informant then says that on the same day, the relatives of the lady had assaulted the father of the informant and then the informant and the lady returned. The informant then says that it was the love affair between him and the girl. Meeting was arranged to resolve the dispute and according to the informant, his father had given amount of Rs.1,25,000/- to the father of the lady for settlement of the dispute, yet according to the informant, the applicants, who are the relatives of the lady were mentally harassing his father and, therefore, his father Sidram committed suicide by hanging on 12.03.2021.

4. At the outset, perusal of the FIR itself would show that the physical custody of the applicants will not be necessary for the purpose of investigation, as it was the suicide case and whatever was to be recovered from the spot has already been recovered. Perusal of the police papers would show that there was love affair between the informant and the girl and even the girl had tried to commit suicide. It is the statement of the brother of the informant that it took about Rs.70,000/- to the father of the girl to treat her and he was under impression that this all has happened due to the informant and it will be the hurdle in the marriage of the girl.

5. Except the family members, it appears that statement of other witnesses have not been recorded. The mobile phone of the deceased is not containing any material which would lead to the reason for his decision to end himself. No doubt, the final cause of death is due to asphyxia due to hanging, but in view of the fact that substantial investigation has already been done, whether the acts attributed to the applicants would amount to instigation as contemplated under Section 107 of Indian Penal Code read with Section 306 of Indian Penal Code would be considered by the Trial Court after the proper evidence is led and, therefore, taking into consideration all these aspects, the application needs to be allowed. Hence, the following order :-

ORDER

- I) Application stands allowed and disposed of.
- II) The ad-interim protection, granted by this Court earlier to the applicants vide order dated 14.12.2021, is hereby confirmed and made absolute. In other words, in the event of arrest of applicants, who have been arrested in connection with Crime No.53 of 2021 registered with Murum Police Station, Dist. Osmanabad for the offences punishable under Section 306 read with 34 of Indian Penal Code, they be released on executing P. R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- III) The applicants shall attend the concerned police station on every Saturday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet.
- IV) The applicants shall not tamper with the evidence of the prosecution in any manner and shall cooperate with the investigation.
- V) The applicants shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm