

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

ANTICIPATORY BAIL APPLICATION NO. 207 OF 2023

1. Sunita Jaypalsing Bayas
2. Jaypalsing @ Khushalsing Bayas
3. Shubham Jaypalsing Bayas ..APPLICANTS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. A.B. Jagtap, Advocate for applicants
Mr. A.S. Shinde, A.P.P. for respondents

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**CORAM : R.G. AVACHAT, J.
DATED : 10th MARCH, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No. 30 of 2023 registered with Murum Police Station, Dist. Osmanabad for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. In short, the case of the prosecution is that a twenty-four years old boy – Ajay committed suicide by jumping into a water tank in the field of the applicants on 17th December, 2022. The F.I.R. has been lodged by mother of

the deceased. Respondent No.1 is the cousin of the informant. Ajay was taken to the residence of the applicants so as to ensure him to get engaged with some work to earn his living. It is the case of the prosecution that the children of Applicant Nos.1 and 2 would insist the deceased to indulge in committing theft of *murum*. The deceased disliked the same.

4. The learned A.P.P. would submit that there are statements to indicate that the deceased committed suicide as ill-treatment given by the applicants to him became unbearable.

5. According to learned counsel for the applicants, the deceased was an alcoholic. He accidentally fell into the water tank and died as a result thereof. The F.I.R. has been lodged thirty-three days after the incident. No custodial interrogation of the applicants is warranted in the facts and circumstances of the case.

6. Considered the submissions advanced. A twenty-four years old boy – Ajay committed suicide. He did not leave behind a suicide note. The F.I.R. has been lodged by his mother thirty-three days after the incident. The nature of evidence is oral one. As to whether the deceased committed suicide as a result of ill-treatment given to him by the applicants could only be unravelled during trial of the case. This Court finds no custodial interrogation of the applicants to be necessary.

7. In the factual backdrop of the case, the applicants need to be granted anticipatory bail. In view of same, application is allowed. Order dated 13th February, 2023, granting the applicants ad-interim anticipatory bail, is therefore made absolute.

(R.G. AVACHAT, J.)

SSD