

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

ANTICIPATORY BAIL APPLICATION NO.225 OF 2023
WITH APPLN/860/2023 IN ABA/225/2023

VIJAY MARUTI SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. N. S. Ghanekar
APP for Respondent: Mr. S. B. Narwade
Advocate for respondent No.2 : Mr. A.S.Gandhi

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CORAM : S. G. MEHARE, J.

DATE : 28.03.2023

PER COURT :

1. Heard the learned counsel for the applicants the learned A.P.P for respondent/state and learned counsel for the complainant.

2. The applicants are praying for anticipatory bail in crime No. 16 of 2023 registered with Belwandi Police Station Taluka Shrigonda, District Ahmednagar for the offences punishable under Section 306, 506, read with Section 34 of the Indian Penal code.

3. The facts of the case reveal that applicant No.3 and the deceased had affair. However, the mother of the applicant

No.3 Vaibhav learnt about their relationship and she felt that the deceased who was married trapped her son. Therefore, she contacted the mother of the deceased since then the dispute started. The applicant No.3 Vaibhav and the deceased were working together at call centre. They had illicit relationship but his parents opposed it. Then it turned into lodging the report against each other. The applicant No.3 was seriously assaulted. Hence he lodged the report against the deceased and her family members. To counter the said incident, the victim lodged the report against the applicant No.3 Vaibhav for committing rape. Thereafter, the deceased committed suicide leaving a suicide note.

4. The learned counsel for the first informant has strongly opposed the application contending that the applicants were threatening the deceased to take the complaint of rape back. She was harassed many times. Hence, she committed suicide due to harassment by the applicants.

5. In reply the learned counsel for the applicants would argue that custodial interrogation of any applicant is not essential. Everything is recovered. The incident of suicide is

outcome of the report lodged by the applicants for assaulting the applicant No.3 Vaibhav. None of the applicants met the deceased any time after the report lodged by her. The applicants have no concern with her suicide. Suicide note is doubtful. Hence, anticipatory bail may be granted to the applicants.

6. Perused the papers. It appears that there were serious allegations against the applicant No.1 Vijay, applicant No.3 Vaibhav and applicant No.5 Dada @ Dadabahu Bhagwan Walunj. The non cognizable report was also lodged threatening the mother of the deceased for taking the rape case back. The suicide note also indicates the names of applicant Nos. 1, 3 and 5 have played an active role. So far as remaining applicants are concerned, there are no serious allegations. Therefore their custodial interrogation appears not essential. In the facts and circumstances following order is passed.

ORDER

- (i) The application is partly allowed.
- (ii) The application of applicant No.1 Vijay Maruti Shinde, applicant No.3 Vaibhav Babuha Potghan, applicant No.5

Dada@ Dadabahu Bhagwan Walunj stands dismissed.

(iii) In the event of arrest, the applicants No.(2) Manjulabai @ Manjula w/o Maruti Shinde, (4) Rekhabai@ Lata W/o Babusha Potghan (6) Anil Gautam Walunj, (7) Anil Gautam Walunj, Gautam Bhagwan Walunj, (8) Ganesh Gautam Panmad be released on bail, on executing P.B. and S. B. of Rs. 50,000/- each, with one solvent surety of the like amount, in C.R. No. 16 of 2023 registered with Belwandi Police Station, Taluka Shrigonda, District Ahmednagar for the offences punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code on the conditions that :-

- (a) They shall not tamper with the prosecution witnesses.
 - (b) They shall attend the concerned Police Station as and when called by the Investigating Officer on written notice till filing charge sheet.
 - (c) Criminal Application No. 860 of 2023 stands disposed of.
- (iii) Interim protection granted to the applicant Nos. 1,3 and 5 is extended for four weeks from today.

(S. G. MEHARE J.)