

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1453 OF 2023

Rajratna s/o Ramesh Wghmare

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. S. Deshmukh, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 12th SEPTEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 246/2023 registered with Mondha Police Station Parbhani, Dist. Parbhani, for offence punishable under Section 306 read with Section 34 of Indian Penal Code.

2. The father of deceased Vikas lodged report with police on 17th July, 2023 alleging that on 7th July, 2023, he received information from landlord of Vikas that Vikas is not opening the door of his house. He, therefore, went to Parbhani. In presence of police personnel, he broke open the door and entered the house. It was found that Vikas had hanged himself. It was further found that there

was diary of Vikas wherein it was mentioned that for his suicide present applicant and co-accused are responsible. It is stated that they had threatened him and mentally tortured him time and again.

3. Learned counsel for applicant states that there is delay of about 10 days in lodging First Information Report and as such false implication of applicant cannot be ruled out. It is submitted that except for the vague statement that applicant has caused harassment and mentally tortured the deceased, there is no other material on record to connect the applicant with the crime in question.

4. Learned APP opposed the application with submission that there is specific statement in the suicide note about deceased being tortured by the present applicant and co-accused.

5. In order to appreciate as to whether there is any reason for which suicide could have been committed, the investigation papers are gone through but no statement of witness is found to have been made by which the present applicant can be held to be connected with the death of deceased. Perusal of investigation papers shows that at least there is some evidence to indicate that

there were phone calls exchanged between the co-accused and the deceased. As far as present applicant is concerned, there is absolutely no material on record to show any connection between them. Apart from statement in the suicide note about applicant and co-accused being responsible for his death, there is no material to show as to how applicant is responsible for the same. There has to be some evidence in order to connect present applicant with the crime in question. Even the wife of deceased does not name present applicant to be responsible for death of her husband. In such circumstances, owing to the delay in lodging First Information Report, there is reason to believe that it could be a case of false implication. In any case nothing would be recoverable from the applicant. He is not likely to flee. In such circumstances, application deserves to be allowed. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 246/2023, registered with Mondha Police Station Parbhani, Dist. Parbhani, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code, he be released on

bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb