

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1471 OF 2023

VILAS KAILAS JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. S. E. Shekade
APP for Respondents: Mr. V. S. Badakh
...

CORAM : R.M. JOSHI, J
DATE : OCTOBER 30, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 146 of 2023 registered with Kharda Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code.

2. First informant is uncle of deceased Harishchandra. It is stated that he had love relationship with daughter of Applicant no. 3. Family of her was against said relationship. It is stated that out of said affair, said lady had delivered a child. It is stated in the report that there was a meeting held wherein it was agreed by the relatives of lady for performing their marriage. In spite of this, they went

to Alandi and performed marriage. On 29.07.2023 Harishchandra committed suicide. He left behind him suicide note alleging that present Applicants and co-accused who are the relatives of his wife are responsible for death. It is stated in the said chit that child delivered by his wife was taken away by her relatives and child was killed. Allegation is made against Kailas that he used to blackmail deceased and has extorted a sum of Rs. 2 lacs from him. There is also statement to the effect that his wife was beaten by her relatives.

3. Learned Counsel for the Applicants submits that investigation into the crime is already over with filing of the charge-sheet, as such, the custodial interrogation of the Applicants is not necessary. He further submits that there are no specific allegations against present Applicants as to the nature of harassment caused by them and as the allegation of blackmailing is against co-accused who is already arrested. He further submits that allegations in the suicide note with regard to the child of deceased being killed by the Applicants and relatives of his wife is

falsified with the FIR lodged by the investigating officer in this crime with concerned police station wherein it is alleged that the said baby was killed by deceased, his wife and mother. Hence, it is his contention that there is sufficient evidence on record to indicate that it is not a case of instigation at the hands of Applicants to deceased to compel him to commit suicide.

4. Learned APP opposed the application by referring to the statements of witnesses which indicate that Applicants and the other relatives of wife of deceased had agreed to perform their marriage, however, they did not do so. It is his further submission that there are specific allegations against present Applicants as recorded in the suicide note left behind by the deceased and in such circumstances, Applicants are not entitled for pre-arrest bail.

5. There is no dispute about the fact that the chit left behind by deceased indicates allegations against present Applicants and relatives of his wife. As far as Applicants herein are concerned, there are no allegations against them of causing harassment to

deceased. Allegation of blackmailing also does not attribute to the present Applicants but to co-accused who is already arrested. As far as allegation in the said suicide note left behind about his wife being assaulted by her relatives is concerned, the said allegation cannot be said to be an act of instigation for the deceased to commit suicide. Even from the perusal of the statements of the witnesses appearing in the charge-sheet, it is not seen that the deceased was ever subjected to the physical violence by relatives of his wife. Merely because, relatives of his wife opposed the said relationship and even accepting the allegation that they had beaten his wife, cannot become a ground for instigation for commission of suicide by deceased. Since the charge-sheet is filed and nothing is to be recovered at the instance of Applicants, it is fit case to protect their liberty.

6. In view of above, application stands allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in connection with with C.R. No. 146 of 2023 registered with Kharda Police Station, Dist.

Ahmednagar for the offences punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.

- (ii) They shall attend the concerned police station once in a week.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani