



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1873 OF 2023

Balaji Gangaram Jadhav And Others

VERSUS

The State Of Maharashtra And Another

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Mr. D. M. Shinde, Advocate for Applicants (VC)

Mr. S. A. Gaikwad, APP for Respondents/State

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CORAM : R.M. JOSHI, J

DATE : JULY 25, 2024

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 92/2023 registered with Tamsa Police Station, Dist. Nanded for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code.

2. Informant reported to the police about lodging of report in respect of her minor daughter being molested by the Rohit Jadhav. In connection with the said crime, said accused is under arrest. It is alleged in the FIR that due to the said complaint, present Applicants, who are relatives of Rohit, have started causing harassment and giving threats to the informant and her husband. It is stated that on 07.10.2023 what's app status of her husband was seen wherein it was

stated that he is committing suicide due to the threats given by the Applicants and also on 07.10.2023 at around 07.30 am he was tried to be assaulted but they could not assault him due to the presence of some persons at the crematory.

3. Learned Counsel for the Applicants has placed on record photographs indicating intimate relationship of informant with Rohit. It is his submission that the possibility of deceased committing suicide for this reason is not ruled out. According to him, even if it is accepted for the sake of argument that there was incident of threats, in absence of any assault actually being caused on the husband of the informant, it cannot be said that there was abetment to commit suicide. It is submitted that since offence is registered against Rohit, present FIR is lodged in order to falsely involve his relatives in the crime.

4. Learned APP opposed the said submissions by drawing attention of the Court to the supplementary statement recorded of the informant wherein though she has admitted photographs to be her along with Rohit, however, it is claimed that since she prohibited his

entry in the house, he started causing harassment to the members of the family including her minor daughter. It is further argued that the evidence of the parents and relatives of the deceased indicate that he was harassed by the Applicants which has resulted into commission of suicide by him. Reliance is placed on the panchnama indicating seizure of chit on the person of deceased which indicates the reason for commission of suicide as the threats issued by the Applicants and incident occurred on 07.10.2023. Application is also opposed on the ground that the Applicants have abused the interim relief and caused threatening to the witnesses and in this regard a non cognizable report is recorded.

5. There is no dispute about the fact that a chit was seized from the person of the deceased and panchnama is also drawn to that effect. In the said chit, it is stated that some incident had occurred on 07.10.2023 at 07.30 am where he was tried to be assaulted but actual assault could not take place due to the presence of persons at nearby place. Perusal of the police papers do not show any statement being recorded of person who has seen presence of deceased or

Applicants at the spot. There is no dispute about the fact that Rohit is relative of present Applicants against whom offence has been registered by the informant. *Prima faice* there is material on record in the form of photographs which indicates that this could be a case of informant herself having relationship with this Rohit. This Court, therefore, finds substance in the contention of learned Counsel for the Applicant that same could be a reason for commission of suicide by the deceased.

6. As far as the objection of the prosecution about abuse of interim protection by the Applicants is concerned, the same incident is said to have been taken place on 21.11.2023 whereas the report is lodged on 25.11.2023. This Court, therefore, finds no substance in the allegations that the Applicants have misused liberty granted by this Court. In any case, this is not a case wherein custodial interrogation of the Applicants is necessary.

7. Having regard to the aforestated facts and more particularly, the possibility created by the Applicants that deceased could have committed suicide

owing to the illicit relations of his wife with another person, it is a fit case to confirm the interim relief already granted. Hence, application is allowed by confirming interim order dated 07.11.2023. Applicants to cooperate in the investigation.

(R. M. JOSHI, J.)

Malani