



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

14 ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2023

Nagindas Naturmal Agrawal & othersApplicants

VERSUS

The State of MaharashtraRespondent

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Mr. S. A. Ambilwade, Advocate for Applicants.

Mr. S. V. Hange, APP for the State.

Mr. A. C. Sisodiya, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 11th NOVEMBER, 2024.

PER COURT :

1. Heard.

2. Learned counsel for the Applicants submits that though there is allegation made against the present Applicants and co-accused of committing murder of the deceased, the First Information Report is lodged belatedly i.e. after about 7 months of the occurrence of the incident. It is his submission that Applicant Nos. 1 and 2 are the grand-parents of the husband of deceased, Applicant No. 3 is his aunt whereas Applicant No. 4 is the husband of deceased. He further submits that there is documentary evidence on record to indicate that deceased was suffering from acute depression and the

other circumstances also indicate that this is not a case of murder but a case of suicidal death.

3. Learned APP opposed the application by citing seriousness of the crime. According to learned counsel for the informant, the contention of Applicants about suicidal death is suspicious. It is his contention that there is no delay in lodging of the First Information Report as the informant was required to approach the Magistrate under Section 156(3) of Code of Criminal Procedure seeking direction for recording to crime.

4. Perusal of First Information Report shows that there are specific allegations against the Applicants and co-accused that the deceased was harassed by them and they committed murder of the deceased on 09.01.2023. There is no allegation against present Applicants that they made the deceased to commit suicide. Infact, there is specific allegation that it is a case of murder. Perusal of investigation papers prima facie indicate that place wherein the deceased died was required to be broke opened by the police for entering therein. This indicates that there is prima facie substance in the contention of learned counsel for the Applicants that this is

not a case of murder. As far as suicidal death is concerned, there are documents placed on record to indicate that the deceased was suffering from depression. This Court, therefore, finds no reason to discard the contention of learned counsel for the Applicants that possibility of deceased having committed suicide owing to the said illness is not ruled out. In any case, having regard to the investigation done till date, custodial interrogation of the Applicants is not necessary. Liberty of the Applicants was protected from 06.12.2023. Thereafter they have attended concerned police station and cooperated in the investigation. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb