

Order below Exh.1 in Cri.Bail Appln. No.388 of 2022
Chopada City Police Station, Taluka Chopda

(1. Gajanan Ananda Mahajan Vs. The State of Maharashtra)

(CNR No.MHJG010008252022)

1. This is an application u/s. 439 of Cr.P.C. filed by the accused Gajanan Ananda Mahajan Age-36 Yrs., R/o. Chopada, Tal. Chopada for releasing on bail in C.R.No.443/2022 of Chopada City Police Station, Tal. Chopda, Dist. Jalgaon for the offence punishable under Secs. 306, 323, 504, 506 r/w. 34 of Indian Penal Code.

2. It is case of the prosecution that the applicant / accused Gajanan Mahajan on 30/10/2022 alongwith Lilabai Ananda Mahajan, Kusumbai Harish Mahahajan, Dipak Sanjay Mahajan have made false allegation against father of informant Prakash Nattu Mahajan that you caught the hand of daughter in law of the Ananada Mahajan. The allegation was baseless. The deceased was old person. He was beaten by all accused and abused him. So he feel very sad about the incident. Thereafter, on the night of 30/10/2022 he committed suicide.

3. Thereafter Rajendra Prakash Mahajan on 04/11/2022 lodged report against the accused in the police station City

Chopada. Accordingly offence bearing CR. No.443/2022 u/s. 406, 323, 504, 506 r/w. 34 of IPC was registered.

4. In the investigation the applicant Gajanan A. Mahajan was arrested and produced before the court on 06/11/2022 he remanded police custody till 07/11/2022. Thereafter taken in MCR.

5. The applicant accused submitted that he has involved in the false case. The report is lodged after one month fo the death of the deceased. The informant of this incident filed application before the Tahasildar stating the the deceased commitment suicide because of the loan on him. Considering this aspects accused be released on bail.

6. APP Shri S.R.Patil for State strongly objected and submitted that the offence is serious in nature. One innocent person is died. Investigation is in progress. Hence, application may be rejected.

7. I have heard adv. Shri D.S.Chavan for applicant/accused. APP Shri S.R.Patil for State at length. Both of them argued as per contention of the application, reply and say of I.O. So to avoid repetition I think argument advanced to party are not necessary to reproduce on record.

8. The applicant / accused was arrested and produced before the court and his MCR was asked on second remand. It means that the custody of accused is not necessary for

investigation of crime. If entire contents of FIR is admitted as a true. Then and then also at this stage as there is no allegation of abetment to commit suicide. The applicant submitted affidavit stating that the deceased committed suicide because of having huge loan on him and asked aid for the State under the scheme of Atmahatya Karjabajari Farmers. The investigation is nearly completed. So I think the accused deserves to be released on bail on certain condition. Hence, I proceed to pass following order.

ORDER

1. Application is allowed.
2. The accused Gajanan Ananda Mahajan Age-36 Yrs., R/o. Chopada, Tal. Chopada be released after executing P.R. Bond of Rs.15,000/-(Rupees Fifteen Thousand only) with one solvent surety in the like amount, in C.R.No.443/2022 of Chopada City Police Station, Tal. Chopda, Dist. Jalgaon for the offence punishable under Secs. 306, 323, 504, 506 r/w. 34 of Indian Penal Code.
3. He will co-operate the investigation and not tampered the witnesses.
4. Surety be furnished before the trial court.

Date: 15.11.2022

(P.R.Choudhari)
Additional Sessions Judge,
Amalner