

Order below Exh.1 in Cri.Bail Appln. No.389 of 2022
Chopada City Police Station, Taluka Chopda

(1. Ananda @ Anna Lotan Mahajan & 3 Vs. The State of
Maharashtra)

(CNR No.MHJG010008262022)

1. This is an application u/s. 439 of Cr.P.C. filed by the accused No. 1) Ananda @ Anna Lotan Mahajan Age-56 Yrs., 2) Sau. Kusum Harish Mahajan Age-50 Yrs., 3) Sau. Lila Ananda Mahajan Age-Nil., 4) Dipak Sanjay Mahajan Age-Nil, All R/o. Near Jabre Ram Mandir Temple, 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 on 30/10/2022 Lilabai Ananda Mahajan, Kusumbai Harish Mahahajan, Dipak Sanjay Mahajan alongwith accused Anananda 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 of the accused 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 they are involved in the false case. The report is lodged after one month of 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 K.R.Bagul 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 K.R.Bagul 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. 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 No. 1) Ananda @ Anna Lotan Mahajan Age-56 Yrs., 2) Sau. Kusum Harish Mahajan Age-50 Yrs., 3) Sau. Lila Ananda Mahajan Age-Nil., 4) Dipak Sanjay Mahajan Age-Nil, All R/o. Near Jabre Ram Mandir Temple, 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