

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.4163 OF 2015**

Swapnil s/o Ramkrishna Bhoite,  
Age: 23 years, Occ: Service,  
R/o.S. No. 257/1, Janmangal Nagri,  
Don Bosco, Sawedi, Ahmednagar. ...Applicant

versus

The State of Maharashtra,  
Through the Tofkhana Police Station,  
Ahmednagar. ...Respondent

.....  
Mr. A. S. Lomte, Advocate for applicant  
Mr. S.R. Palnitkar, A.P.P. for respondent  
.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 1<sup>st</sup> SEPTEMBER, 2015**

**ORAL ORDER :**

The applicant, husband of deceased Pooja, is facing accusation for the offence punishable under Sections 498-A, 306, 323, 504, 506 of the Indian Penal Code vide Crime No. I-196/2015 pursuant to the complaint lodged by Shivprasad Gopinath Jadhav, father of deceased Pooja, who married with the applicant on 10/05/2014.

2. The accusation against the present applicant is that he instigated Pooja to commit suicide because of his torture and to meet out the demand of Rs.1,00,000/- to purchase motor cycle.

3. According to the present applicant, he is not involved in crime in question, as financially he is well secured and he is falsely implicated because when Pooja committed suicide, he was not at home but he was on duty.

4. Learned A.P.P. opposed the bail on the ground that the death has occurred within period of about one year after the marriage and according to him, the death of Pooja is within knowledge of the applicant under the provisions of Section 106 of the Indian Evidence Act. Learned A.P.P. further urged that the investigation in the matter is almost completed and there is *prima facie* evidence available against the present applicant. As such, sought rejection of the bail.

5. Perusal of the F.I.R. and the investigation papers, it appears that present applicant was arrested on 16/07/2015 pursuant to the alleged death of incident on 16/07/2015 and F.I.R. lodged by her father.

6. The investigation in the matter is completed and papers were sent to the Sub Divisional Officer. Perusal of the investigation papers reflect that apart from ligature around the neck of deceased Pooja, no external injuries were noticed at the time of death so as to

infer any violence. Perusal of the statement reflects that, earlier there was no complaint as regards the alleged illegal demand.

7. *Prima facie* it reflects from the investigation that the involvement of the present applicant in crime in question appears to be doubtful. In view thereof, the applicant is entitled to be released on bail. Hence, I propose to pass the following order.

8. The applicant be released on bail, upon furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount in connection with Crime No. I-196 of 2015 registered at Tofkhana Police Station, Ahmednagar for the offence punishable under Sections 498-A, 306, 323, 504, 506 of the Indian Penal Code.

9. Criminal Application stands allowed in above terms.

**[ N.W. SAMBRE, J. ]**