

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

919 BAIL APPLICATION NO.1022 OF 2021

Ajay s/o. Sahebrao Bijarane
Age: 25 years, Occu.: Agril.,
R/o.Rajur, Taluka, Bodwad,
Dist.Jalgaon.

..Applicant

VERSUS

The State of Maharashtra
Through Police Station,
Badnapur, Taluka Badnapur,
District Jalna.

..Respondent

**WITH
CRIMINAL APPLICATION NO.1887 OF 2021
IN BA/1022/2021**

...
Advocate for Applicant : Shri Mukul S. Kulkarni
APP for Respondent-State : Shri S.P.Sonpawale
Advocate for Informant : Shri G.J.Pahilwan

...
CORAM : M.G.SEWLIKAR, J.

DATE: 23rd September, 2021

PER COURT:-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing applicant on bail in connection with Crime No.0227 of 2021 registered with Badnapur Police Station, Tq.Badnapur, District Jalna, under Sections 306, 498A, 504, 506 read with Section 34 of the Indian Penal Code,

2. Prosecution's case in short is that the deceased was the wife of the applicant. She got married with the applicant on 28th April, 2018.

3. It is alleged in the First Information Report (FIR) that after one month of the marriage, the applicant sent back the deceased after beating her. Parents of the applicant used to say that the deceased is of bad character. Since then the deceased had been living with the informant. Therefore, FIR was lodged under Sections 395, 454 and 498A vide Crime No.151 of 2018. The informant had tried to effect reconciliation but the applicant did not respond. The applicant and his parents used to say that they did not want to maintain the deceased and they demanded divorce and the expenditure incurred in the marriage. The applicant did not take the deceased back for cohabitation and did not give her divorce also. They used to threaten her to kill her. On 18th June, 2021, the deceased was supposed to go to Women Grievance Redressal Cell at Badnapur. Before going there, she was crying. At that time, she was smelling of a poisonous substance. The informant realized that the deceased had consumed pesticide. She was admitted in Gajanan Hospital, Aurangabad. She passed away during the treatment on 23rd June, 2021. It is further alleged in the FIR that the deceased had

kept a suicide note below her bed. Suicide note was found on 6th July, 2021. The said suicide note was in her handwriting. She had alleged in the suicide note that the applicant did not give her divorce and used to say that he would neither maintain her nor would give divorce either. Because of their continuous torture, she committed suicide. On these allegations, FIR came to be lodged on 7th July, 2021.

4. Heard Shri M.S.Kulkarni, learned counsel for the applicant, Shri S.P.Sonpawale, learned APP for respondent-State and Shri G.J.Pahilwan, learned counsel for the informant.

5. Shri Kulkarni, learned counsel for the applicant submitted that till today charge-sheet is not filed. Allegations made in the FIR are general in nature. No specific overt act is attributed to the applicant or his parents. He further submitted that allegations in the suicide note are also general in nature.

6. Shri Sonpawale, learned APP for the respondent-State and Shri Pahilwan, learned counsel for the informant submitted that suicide note has been referred to the handwriting expert. Report is still awaited. They submitted that within two years of the marriage, the deceased committed suicide. They submitted that

offence is serious in nature. Therefore, application deserves to be rejected.

7. On perusal of the papers and the FIR, it is seen that general allegations are made in the FIR. Allegations of ill treatment are general in nature. No overt act is attributed to the applicant or his parents. Suicide note also does not make any specific allegation about ill treatment. The ill treatment seems to be on the ground that the deceased was not of good character. However, suicide note does not mention that the deceased was ill treated on account of bad character. Having regard to the nature of the evidence collected by the prosecution, I am inclined to release the applicant on bail. Offence is not punishable with death or imprisonment for life. Applicant has no criminal antecedents. In view of this, he will be available for trial. Hence, the following order:

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.25,000/- (Rs.Twenty-five thousand only) with one solvent surety in the like amount, in connection with Crime No.0227 of 2021, registered with Badnapur Police Station, Tq.Badnapur, District Jalna, under Sections 306, 498A, 504, 506 read with Section 34 of the Indian Penal Code.

- iii) Bail Application is disposed of.
- iv) Criminal Application filed for assist to Public Prosecutor is also disposed of.
- v) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT