

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

BAIL APPLICATION NO. 837 OF 2022

Shubham Bajirao Dalvi

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.S. Jadhav, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 12th JULY, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 412 of 2022 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by brother of the deceased – Poonam on 29th May, 2022. It is alleged in the F.I.R. that the deceased – Poonam had married Nilesh Nandurkar (co-accused) way back in 2009. The couple was

blessed with two daughters and one son. Rutuja (juvenile) is the daughter of sister-in-law of the deceased. She has long been staying at the residence of Poonam. The applicant is the friend of the husband of the deceased.

4. The informant claims to have been informed by the deceased Poonam that Rutuja had related Nilesh that Poonam had extra marital relationship with the applicant. Nilesh would, therefore, beat up Poonam suspecting her fidelity. Poonam had, therefore, asked the applicant not to visit her house and make her phone calls. The applicant, however continued to make calls on her cell phone. It is further averred in the F.I.R. that on 28th May, 2022 the informant's friend informed him that Poonam was admitted to a hospital in Ahmednagar. He, therefore, rushed to the hospital to realise that Poonam had consumed some insecticide and even tried to strangle herself. On 29th May, 2022 Poonam breathed her last in the hospital. The F.I.R., therefore, came to be lodged against the applicant, Rutuja and husband of the deceased Poonam.

5. Learned counsel for the applicant would submit that the deceased did not leave behind any suicide note. It is not known whether she committed suicide or met with an accidental death. Even the allegations in the F.I.R. are taken to be true, the applicant cannot be said to have abetted commission of suicide by deceased Poonam. According to him, the applicant

has been behind the bars since 29th May, 2022 i.e. one and half month. He, therefore, urged for allowing the application.

6. Learned A.P.P. would, on the other hand, urge for rejection of the application on the ground of investigation is in progress.

7. Considered the submissions advanced. There is no suicide note nor there is oral dying declaration. From the averments in the F.I.R. it can be gathered that the husband of deceased was alcoholic. He would abuse and beat up the deceased suspecting her to have illicit relationship with the applicant herein. The niece of the deceased had informed about the same to the husband of the deceased. It is just difficult to assume from the averments in the F.I.R. that whatever relationship the applicant had with the deceased was with a view to drive her to commit suicide. It would not be proper on the part of this Court to make observations about merits of the case.

8. In view of averments in the F.I.R. and the facts and circumstances of the case, the Court is inclined to grant the applicant bail . Hence, I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 412 of 2022 registered with Kotwali Police Station, Dist.

Ahmednagar for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD