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

BAIL APPLICATION NO.875 OF 2022

**HARIBHAU BHASKAR KOLEKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Mahendra B. Kolekar, Advocate for applicant;
Mr. K.S. Patil, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 19th October, 2022

PC.

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent, returnable forthwith.
3. The learned A.P.P. waives service of notice for the respondent.
4. The applicant has been arraigned as accused for the offences punishable under Sections 376, 306 and 506 of the Indian Penal Code. The applicant has a case that he had extra-marital relations with the deceased. She never raised the objection. The suicide note allegedly written by her is also not in her handwriting as per the report of the Additional Chief State Examiner of Documents, C.I.D., Aurangabad. After her death, her husband lodged the report. However, he also committed suicide. The applicant never harassed the deceased. He never abetted her to commit suicide. She had dispute with the family. Her husband used to harass her. She was

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always taking the support of the applicant. On the allegations levelled by the deceased husband of the deceased, the police have registered the crime. The applicant is behind bars since 03.02.2021. The investigation is over. The charge-sheet is filed.

5. Referring to the charge-sheet, the learned counsel for the applicant would argue that there is no incriminating evidence against the applicant. He is languishing in jail for sufficient time. Therefore, he may be released on bail.

6. The learned A.P.P. has opposed the application. He would point out that the prima facie evidence of suicide note is against the applicant. The offence is serious. Not only the deceased but her husband also committed suicide after the incident. Due to the act of the applicant two lives have been lost. Therefore, considering the gravity of the offence, he may not be released on bail.

7. Perused the chargesheet, suicide note and the Handwriting Expert report. The deceased committed suicide in the house of the applicant. The husband of the deceased had grievance against the applicant. The deceased never complained against the applicant. The report was lodged after her suicide. The investigation is completed. Nothing is to be recovered from the applicant. The Handwriting Expert report is also not confirmed. In view of the facts of the case, it

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would be inappropriate to keep the applicant behind bars. Hence, the following order:-

- i) The application is allowed.
- ii) Applicant Haribhau s/o Bhaskar Kolekar, be released on bail, on furnishing PB and SB of Rs.25,000/-, with one solvent surety of like amount, in C.R. No.69 of 2021, registered with City Police Station, Osmanabad, for the offence punishable under Sections 376, 306 and 506 of the Indian Penal Code, on the conditions (a) not to tamper with the prosecution witnesses and (b) attend the trial on every material hearing.

(S. G. MEHARE, J.)

amj