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

ANTICIPATORY BAIL APPLICATION NO.958 OF 2022

**NILESH ARUN NANDURKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr Dnyaneshwar A. Bide, Advocate for applicant;
Mr S. B. Narawade, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 2nd August, 2022

PC.

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The applicant is the husband of the deceased who committed suicide. The applicant has a case that the deceased had extra-marital relations. She was convinced many times, but she did not listen. On the day of the incident, the applicant wrote a suicide note. The deceased saw that note and suddenly went inside the room and hanged herself.
3. The learned counsel for the applicant has vehemently argued that there is no evidence of abetment to commit suicide. The deceased was at fault. The marriage was performed 12 years ago. The applicant has three children. Nothing is to be recovered from the applicant.

(2)

4. The learned APP has opposed the application contending that two days ago the deceased was assaulted by the applicant. He has argued that the offence is serious. Therefore, the custodial interrogation of the applicant is essential.

5. Perused the papers. A certificate of the Doctor shows that the deceased has given history of fall at home. The suicide note seized by the police supports the defence of the applicant. The incident appears to have happened at the spur of the moment. There were no earlier reports against the applicant for the ill-treatment. The evidence of abetment appears remote. Nothing is required to be seized from the applicant. The application deserves to be allowed. Hence, the following order -

- i) The application is allowed.
- ii) The interim protection granted to the applicant by order dated 25.07.2022 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

amj