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

BAIL APPLICATION NO.1761 OF 2022

**ADESH GAJANAN CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondent/State : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : 10th NOVEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State at length.
2. An unfortunate event happened that the deceased who was in relationship with the applicant committed suicide and a young boy has been arrested in the crime. The applicant has been arrested on the basis of so-called suicide note written by the deceased.
3. Learned counsel for the applicant would submit that since the applicant is behind bar, the college has suspended him. His educational career has been ruined. He would refer to the chat of common friend of the deceased and the applicant and tried to point out that they were having breakup. He would argue that reading the chat, it is very difficult to believe that the applicant had abetted the deceased to commit suicide. After a break up, the applicant was

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trying to make the relation again. The applicant, deceased and her friends have the common photographs. He never transmitted the photographs to anybody and the prosecution has no evidence to that effect. Nothing is to be recovered from the applicant. The applicant is 20 years old boy having no antecedents. He hails from a small village. He was pursuing his education, but unfortunately caught into the misunderstanding of the deceased. He would also argue that in the suicide note, the nature of harassment has not been mentioned. The custodial interrogation of the applicant is not essential. Considering the age of the applicant, the relation with the deceased and absence of abetment to commit suicide, he may be released on bail.

4. Learned APP has strongly opposed the application. He would submit that a young girl has lost her life due to the harassment at the hands of the applicant. The applicant was unnecessarily harassing the deceased. Considering the circumstances and the seriousness of the offence, he may not be granted bail.

5. Perused the FIR, police diary and suicide note. The suicide note does not bear any date. There appears substance in the arguments of the learned counsel for the applicant that there are no specific allegations of harassment. However, it appears that the applicant and the deceased were good friends and had some photographs. The papers does not include the evidence showing that

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the applicant anytime misused the photographs as alleged against him. The suicide note has been seized. The papers reveals that the material investigation is over. Nothing is to be recovered from the applicant. The applicant has a *prima facie* good case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Adesh Gajanan Choudhari, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.569/2022 registered at Nanded Police Station, District Nanded for the offence punishable under Section 306 of the Indian Penal Code, on the condition that the applicant shall not tamper with the prosecution witness.
- (iii) Bail before the Sessions Court.

(S.G. MEHARE, J.)