

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

15 BAIL APPLICATION NO.708 OF 2023
WITH APPLN/2156/2023 IN BA/708/2023

SACHIN SUNIL DOIPHODE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Complainant to assist APP : Mr. Jarare P. D.

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CORAM : S. G. MEHARE, J.
DATE : 10.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the complainant.

2. This is a successive bail application of the applicant claiming bail in Crime No.357 of 2022, registered with Jamkhed Police Station, District Ahmednagar, for the offences punishable under Section 498-A, 304-B, 306 read with Section 34 of the IPC.

3. The applicant is the husband of the deceased. The deceased died within three months of her marriage. The

applicant has been accused of ill-treatment to the deceased for dowry. Her liberty was curtailed. She was not allowed to talk with her family.

4. While rejecting his earlier bail application, this Court has specifically observed that since beginning, the deceased was ill-treated either for one reason or the other. She was not allowed to talk with her family. Her liberty to speak was curtailed. No good words were used for her parents and relatives. She was not provided with fresh food. After the incident, a report was also lodged against the applicant that he pressured the first informant to withdraw the present case. That shows the influence of the applicant.

5. The learned counsel for the applicant submits that a supplementary charge sheet has been filed. The police had issued a notice under Section 91 of the Cr.P.C. to the landlady and the sister of the victim to submit their mobile handset for collecting the chats. However, the landlady refused to submit her mobile handset. He would further argue that the applicant has been suspended since he is behind bars. If he is granted bail, he may be posted somewhere else. There may be no possibility of tampering with the prosecution witnesses. He has

also argued that the applicant has been languishing in jail since August 2022. Nothing is to be recovered from the applicant.

6. Learned APP and learned counsel for the first informant would vehemently argue that merely not producing the mobile handset by the landlady would not be a change-in-circumstance. The sister of the deceased has expressed willingness to produce the mobile handset as and when the police require it. This Court considered the entire facts of the case at length while deciding his earlier bail application. Filing the CDR or SDR report is not change-in-circumstances to re-consider the bail application of the applicant.

7. Perused the papers. Earlier, this Court has considered each and every aspect of the case. Considering the gravity and seriousness of the offence supported by the *prima facie* evidence against the applicant, the Court denied the bail. Same evidence was available when his earlier bail application was rejected. Filing CDR and SDR reports is not going to change the case substantially, or it may not be a substantial change in circumstances to re-consider the bail application. Overall, the material evidence which was considered by this Court in his earlier bail application is still intact.

8. Therefore, for want of the substantial change in circumstances, the application stands dismissed.

9. Criminal Application No.2156 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-