

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

945 ANTICIPATORY BAIL APPLICATION NO.682 OF 2023

PARMESHWAR BRAMHAJI BODKHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ganesh P. Shinde
APP for Respondent – State : Mr. S.P. Sonpawale
...

CORAM : R. M. JOSHI, J.
DATE : JULY 19, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No.477 of 2022 registered with Jamkhed Police Station, Tal. Jamkhed, Dist. Ahmednagar for the offences punishable Under Sections 306, 504, 506 of the Indian Penal Code.

2. The first informant is mother of deceased who had love relations with present applicant. It is alleged in the report that wife of applicant had opposed the said relationship. There is further allegation that applicant had obtained Rs.Five Lakh from deceased and refused to repay the same. According to informant on 09.07.2022 deceased consumed poison. She was admitted in Government hospital

and was discharged. She was again admitted in Government Hospital on 31.07.2022 and discharged on 24.08.2022. Thereafter again she was admitted in Hospital on 08.09.2022 and she died on 09.09.2022.

3. Learned counsel for applicant states that there is delay in lodging FIR and that even accepting that there was extra marital relationship maintained by present applicant with deceased cannot be considered as abatement to commission of suicide.

4. Learned APP opposed the application by contending that there are statements of witnesses to support the First Information Report. He however was asked the specific question as to whether there is any evidence or material on record to indicate that Rs. Five Lakh were ever lent by the deceased to the applicant. On the basis of the investigation papers, learned APP was unable to point out any such material on record.

5. Pertinently, deceased has died on 09.09.2022, but the FIR is lodged on 18.10.2022. No plausible explanation given by the informant for lodging report belatedly. Statement of the landlord of premises wherein deceased was staying indicates that on the date of

death of deceased, her mother had been to the Kopergaon for collecting the articles. It therefore remains unexplained as to why she could not lodge FIR immediately.

6. Considering the nature of allegations made in the FIR and in view of the fact that there is nothing to indicate that an amount of Rs.Five Lakh was ever taken by applicant from deceased and he refused to pay it, liberty of applicant deserves to be protected. Hence, the following order:

ORDER

(i) Application is allowed in terms of interim order dated 26.06.2023.

[R. M. JOSHI]
JUDGE

GGP