

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

956 ANTICIPATORY BAIL APPLICATION NO.796 OF 2023

SANDIP SAKHARAM BACHKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent- State : Mr. S.P. Sonpawale
Advocate for Assist to PP : Mr. Shaikh Tarek Mobin H.

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CORAM : R. M. JOSHI, J.
DATE : SEPTEMBER 14, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No.220 of 2023 registered with Loni Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 323 of the Indian Penal Code.

2. Informant is the brother of deceased, whose marriage was performed with the applicant prior to 8 years of the incident. It is alleged by the informant that there were disputes between the applicant and deceased over the trifle issues. He specifically states that the applicant had started telling deceased that he is going to become an officer and he will perform second marriage. There is one

incident mentioned in the FIR dated 17.04.2023 wherein the applicant said to have caused assault on the deceased which was informed by her to her mother over phone. Thereafter, she found missing and finally her dead body was found in a well.

3. Learned counsel for the applicant states that the allegations made in the FIR are not sufficient to hold that it is the case of aiding or abetment to commit suicide by the deceased. It is his further submission that in fact the deceased was confronted with WhatsApp chat between her and someone else. It is his further submission that fed up with the incident of WhatsApp chat, deceased herself committed suicide.

4. Learned APP opposed the said contention by stating that the mobile phone of the deceased was sent for analysis and it is found that the said phone did not contain any such WhatsApp chat. He placed reliance on the statements of the witnesses which show that the relatives have tried to intervene in the dispute between husband and wife unsuccessfully.

5. Learned counsel for the informant opposed the

application by submitting that there are specific allegations in the FIR. Not only applicant was threatening the deceased for performing second marriage, but also assaulted her on 17.04.2023. He further submits that the well in which the deceased said to have jumped was completely filled with the water and hence question of causing of any injury to her does not arise.

6. Perusal of the FIR indicates that the marriage between applicant and the deceased was eight years old. Apart from the allegation that they used to quarrel on trifling issues, the allegation against the applicant is that he used to tell deceased about performance of second marriage. As far as these allegations are concerned, those would not be sufficient as instigation for abetment to the deceased to commit suicide. Except for the incident of 17.04.2023, there is no allegation that the deceased used to be harassed and beaten by the applicant. As far as the allegation that on 17.04.2023 she was beaten by the applicant is concerned, except for one abrasion over the forehead of the deceased as stated in the Post-Mortem report, there are no injuries found on her person. Hence, there is no material on record to support the said allegation that being fed up with the physical harassment caused by the applicant, she

committed suicide.

7. Having regard to these facts, application deserves to be allowed. Hence, following order:

ORDER

(i) Application is allowed in terms of the interim order dated 17.05.2023.

[R. M. JOSHI]
JUDGE

GGP