

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

ANTICIPATORY BAIL APPLICATION NO.1081 OF 2023

SHIVA @ SHIVAJI S/O RAMDAS JADHAV
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. R. M. Lone
APP for Respondent No. 1: Mr. S. P. Sonpawale

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CORAM : R.M. JOSHI, J

DATE : AUGUST 29, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 03 of 2023 registered with Ardhapur Police Station, Tq. Ardhapur, Dist. Nanded for the offences punishable under Sections 306 and 506 of the Indian Penal Code.

2. Informant is the wife of the Vishwanath who committed suicide by consuming poisonous substance on 01.01.2023 and died on 30.01.2023. At that time informant lodged report with police stating that present Applicant had threatened the deceased to make the photographs of the Applicant and informant viral and to make publish their illicit relationship. It is also stated that on 20.12.2022 deceased was assaulted by

Applicant and others. It is further stated that the said dispute was settled and hence, no complaint was made.

3. Learned Counsel for the Applicant states that the informant i.e., wife of the deceased has belatedly lodged FIR against Applicant otherwise she would have been held responsible for the act of commission of suicide by her husband. There is no evidence to connect Applicant with the act of commission of suicide by the deceased and hence, he is falsely implicated.

4. Learned APP opposed the said submissions by stating that FIR clearly indicates about threats given by the Applicant to the deceased of disclosing his illicit relationship with the wife of deceased. It is submitted that the custodial interrogation of the Applicant would be necessary as the mobile phone yet to be seized.

5. Perusal of the FIR as well as the investigation papers do not show that there was any other reason for the Applicant to force the deceased to commit suicide. There are no particulars given as to

the said threats were given by the Applicant to the deceased of disclosing the illicit relationship to others. On the other hand, perusal of the FIR shows that the informant going to the agricultural field of the Applicant for work was not liked by the deceased. Having regard to the nature of allegations there is reason to believe that the deceased might have committed suicide after knowing illicit relationship between his wife and Applicant. There is nothing on record to indicate that the Applicant is intended to draw the deceased to commit suicide.

6. As far as the investigation of the crime is concerned, Applicant can be directed to surrender his mobile phone to the investigating officer.

Learned Counsel for the Applicant, on instructions, made statement that Applicant is ready to surrender his mobile phone.

7. In view of above, application stands allowed by confirming order dated 18th July, 2023.

(R.M. JOSHI, J.)