

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

934 BAIL APPLICATION NO.1627 OF 2023
WITH APPLN/3628/2023 IN BA/1627/2023

SHUBHANGI NANDU JAGTAP
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Salunke Sudarshan J
APP for Respondents: Mr. K.S. Patil.
Advocate for complainant : Mr. M.B. Kolpe h/f. Mr. V.B. Deshmukh

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 26TH SEPTEMBER, 2023

ORDER :-

The applicant seeks regular bail in connection with Crime No. 312 of 2023 dated 14.8.2023 registered with police station Osmanabad City, Dist. Osmanbaad for the offence punishable under section 306 of IPC.

2. The investigation has been set in motion on the basis of the information given by one Nanasaheb Ambadas Lande. He states that his son-in-law Balaji Baliram Bhandare was serving in the State Excise Department at Osmanabad as a Constable. He had to stay at Osmanabad. Therefore, he had hired a room on rent in the house of one Shubhangi Jagtap (present applicant). It is further alleged that on 10.8.2023, he came to know that his son-in-law has committed suicide.

He further alleges that his daughter informed him that accused Shubhangi Jagtap had illicit relationship with the deceased. She used to usually call him on phone and the deceased Balaji used to tell about the harassment at the hands of the applicant.

3. On the basis of such information, aforesaid crime is registered. The applicant is arrested on 15.8.2023. Her prayer for grant of bail has been rejected by the learned Sessions Judge Osmanabad, vide order dated 29.8.2023. Hence, the present application.

4. Mr. Sudarshan Salunke, learned advocate for the applicant would submit that the deceased committed suicide on 10th August, 2023. However, the FIR has been lodged on 14th August, 2023. Even the contents of the FIR are based on suspicion raised by the wife of the deceased that the deceased had illicit relationship with the applicant. He would submit that except bare statement of the first informant, which is hear-say in nature, there is no other material by which the case of abatement of suicide can be made out against the applicant. He would further submit that the applicant is a lady. The deceased had taken a room on rent in her premises. The applicant has been falsely implicated. He would further point out that the applicant has two children, who are aged about 5 and 11 years. They need the company of their mother.

4. Mr. Patil, learned APP and learned advocate for the complainant have strongly opposed the prayer. They would submit that deceased committed suicide in the bed-room of the house of the applicant. The statement of the wife of the deceased would clearly indicate that applicant was harassing him. Therefore, according to them,

there is sufficient evidence to make a case for abatement of suicide.

5. Having considered the submissions advanced, apparently, the FIR is delayed by 4 days. The informant is the father-in-law of the deceased. He states that after the death of his son-in-law, his daughter informed him about the illicit relationship between the applicant and deceased, so also, harassment at the hands of the applicant to him. Pertinently, it is not stated that prior to death of the deceased, the first informant was given any knowledge about the so called illicit relationship or harassment of the deceased at the hands of the applicant. Even no specifications regarding harassment are given. The allegations are omnibus in nature and prima facie, appear to be after-thought. The applicant is a lady, having two minor children. Further detention of the applicant would not be necessary. In that view of the matter a case is made out for grant of bail. Hence, the following order :-

: O R D E R :

- (i) The application is allowed.
- (ii) The applicant – Shubhangi Nandu Jagtap be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in crime No. 312 of 2023 registered with police station, Osmanabad City, Dist. Osmanabad, on the following conditions :-
 - [a] The applicant shall not tamper with the prosecution evidence.
 - [b] The applicant shall cooperate with the investigation.
 - [c] She shall visit the concerned police station once a week on

{4}

934 sr.no..odt

every Friday between 10.00 a.m. and 2.00 pm. till filing of charge sheet.

[d] The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-