



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1808 OF 2023

Ujwala Amol Kajale

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. A. S. More, Advocate for the Applicant.

Mr. S. B. Jadhav, APP, for the Respondent – State.

...

CORAM : R.M. JOSHI, J

DATE : DECEMBER 05, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 1103 of 2023 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 306 of the Indian Penal Code.

2. First informant is the wife of deceased Milind who committed suicide on 21.08.2023. According to informant deceased had relations with the Applicant and on that count there used to occur disputes between them. It is stated in the FIR that about 1 ½ month of the incident deceased disclosed to his friend Rakesh that there is danger to his life. Informant alleged that being fed up by the harassment caused by the

Applicant, deceased committed suicide.

3. Learned Counsel for the Applicant submits that no complaint has been lodged at any point of time against Applicant causing harassment to deceased. In fact FIR shows that there were disputes between the Applicant and the deceased. According to him, it is not the case wherein instigation or abetment to commit suicide is found against Applicant.

4. Learned APP opposed the application citing seriousness of offence.

5. FIR indicates that the informant from the photographs and the status kept by the deceased on his mobile phone came to know about the relationship between Applicant and the deceased. She further states that there used to occur dispute between them over the said issue. Though it is alleged that the Applicant used to cause harassment to deceased and therefore, he committed suicide. However, there is absolutely no evidence to support the said allegations. Statement of Rakesh though says about he being told by deceased about his apprehension, there is nothing to indicate

that the said apprehension was having any connection with the present Applicant.

6. Having regard to these fact, *prima facie* there is no case made out for offence punishable under Section 306 of IPC. Hence, her liberty deserves to be protected. Hence, application is allowed by confirming interim order dated 31st October, 2023.

(R. M. JOSHI, J.)

Malani