

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

20 BAIL APPLICATION NO.1960 OF 2023

KAILASH NIVRUTTI JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shashikant E. Shekade
APP for Respondents: Mr. K.S. Patil.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 8TH NOVEMBER, 2023**

ORDER :-

1. The applicant seeks bail in connection with Crime No. 146 of 2023, registered with Kharda Police Station, Taluka Jamkhed, Dist. Ahmednagar for the offences under Sections 306, 506, 34 of IPC on the following conditions :

2. The investigation was set in motion on the basis of information given by Popat Rambhau Jadhav, who states that his nephew, namely, Harishchandra was in contact with Savita - the daughter of the applicant/accused. Lateron, relationship blossomed to love affair. Savita begotten a child out of the said relationship. It was known to the family members from both the sides. Since the child was born to the unmarried couple, the elders from both the sides decided to arrange the marriage of Savita with Harishchandra. However, lateron, family members of Savita retracted from their consensus. Eventually, Harishandra and Savita performed marriage at Alandi. However, Savita could not dare to stay with Harishchandra and went to her maternal home. She was harassed by her family members. They were not ready to accept the matrimonial relationship between Savita and Harishchandra. They were threatening

to kill Harishchandra. Because of their ill-treatment, Savita was also retracting from matrimonial relationship with Harishchandra. Ultimately, Harishchandra committed suicide keeping behind a “four page suicide note” giving narration regarding his mental status and atrocities committed by the family members of Savita.

3. The suicide note states that when Savita was pregnant, Harishchandra was forced to pay Rs. 2 Lakhs and even after birth of the child, Savita was forced to go back to her maternal home alongwith the newly born child. The suicide note lastly states that because of the harassment advanced to him, he is committing suicide. On the basis of aforesaid report, Crime No. 146 of 2023 came to be registered with Police Station, Jamkhed, Dist. Ahmednagar for the aforesaid offences against in all 6 accused persons including the applicant.

4. The applicant has been arrested on 14th August, 2023. Since then, he is behind bars.

5. Mr. Shekade, learned advocate for the applicant would submit that the applicant has been falsely implicated in aforesaid crime. Harishchandra committed suicide because of his financial difficulties and other circumstances. The allegations against the applicant that he was opposing love affair and relationship between Savita and Harishchandra would not constitute abetment within the meaning of Section 109 of the IPC. He would submit that there are no allegations that, the applicant has caused any physical injury to Harishchandra. He would submit that the investigation in the crime is complete and all the accused persons except the applicant have been enlarged on bail. Further detention of the

applicant would not be necessary. As such, he seeks release of the applicant on bail.

6. Learned APP vehemently opposed the application stating that the offence is serious. There are specific allegations against the applicant in the suicide note regarding illtreatment to Harishchandra which ultimately lead him to commit suicide. As such, he prayed for rejection of the application.

7. Having considered the submissions advanced, apparently, the investigation in the crime is over and charge sheet is filed. The charge sheet contains suicide note dated 29.7.2023, containing certain allegations against the applicant, his daughter Savita and Family members. However, at this stage, it would be difficult to draw conclusion that acts attributed against the applicant were intended or motivated to abet commission of suicide by Harishchandra. If applicant had opposed the marriage of his daughter with Harishchandra, that itself would not constitute abetment within the meaning of Section 109 of IPC. Whether the suicide note alleged to have been seized on 29.7.2023 is actually written by Harishchandra; whether statement incorporated in such note/chit are factually correct, would be factors to be decided during the course of trial. Pertinently, the FIR in Crime No. 158 of 2023 has been registered on 14th August, 2023, on the complaint given by Mahesh Jankar, Police Sub Inspector, at Kharda Police Station for the offence punishable under Sections 302 and 201 of IPC, wherein, Harishchandra is shown to be one of the accused alongwith Savita and mother of Harishchandra, which shows that the dead body of the newly born child (foetus) was found in a field nearby the village of Harishchandra, which

prima facie suggests that narration in suicide note cannot be accepted as gospel truth.

8. Be that as it may, the applicant has been arrested on 14th August, 2023. Investigation in the crime is complete. Charge sheet is filed. The applicant holds movable and immovable property. There are no criminal antecedents to his discredit. Further detention of the applicant would not be necessary. Hence, a case is made out for grant of bail, however, on certain conditions.

: O R D E R :

- (I) The application is allowed.
- (ii) Applicant – Kailash Nivrutti Jadhav, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- each with one surety each of the like amount, in Crime No. 146 of 2023, registered with Kharda Police Station, Taluka Jamkhed, Dist. Ahmednagar for the offences under Sections 306, 506, 34 of IPC on the following conditions :-
 - (a) The applicant shall not tamper with the prosecution evidence;
 - (b) The applicant shall attend the trial on each and every effective date before the trial court;
 - (f) The applicant shall not establish contact with any of the witnesses in the crime, either directly or indirectly.
- (iii) The application stands disposed of.

**[S.G. CHAPALGAONKAR]
JUDGE**

grt/-