



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.770 OF 2024

1. Yogesh Shivaji Aapune,
Age: 34 Years, Occ.: Pvt. Service,
R/o.: In front of Akshad Housing Society,
Tapkir Chowk, Near Veer Hospital,
Kalewadi, Thergaon, Pune 411417
2. Shrimant Digambar Aapune,
Age: 47 Years, Occu.: Pvt. Job,
R/o.: S. No.39, Taleranwadi road,
kesnand, Pune
3. Ajay Yashwant Aapune,
Age: 26 Years, Occu.: Pvt. Job,
R/o.: Thergaon, Near Santosh
Mangal Karyalaya, Pune
4. Suraj Ramchandra Raut,
Age: 27 Years, Occu.: Pvt. Job,
R/o.: Kajala,
Tal. & Dist. Dharashiv

.. Applicants
(Ori. Accused)

Versus

01. The State of Maharashtra,
Through the Police Station, Jamkhed,
Tq. Jamkhed, Dist. Ahmednagar
02. The Superintendent of Police,
Ahmednagar, Dist. Ahmednagar

.. Respondents

...
AND
...

CRIMINAL APPLICATION NO.2829 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.770 OF 2024

Sow. Sonali Yogesh Apune,
Age: 30 Years, Occu.: Household,
R/o. Loni Kalbhor, Tq. Haveli,
Dist. Pune

**.. Applicant
(Orig. Informant)**

Versus

1. The State of Maharashtra,
Through Jamkhed Police Station,
Jamkhed, Dist. Ahmednagar
2. The Superintendent of Police,
Ahmednagar, Dist. Ahmednagar
3. Yogesh S/o. Shivaji Apune,
Age: 34 Years, Occ.: Private Service,
R/o.: Tapkir Chowk, Near Veer Hospital,
Kalewadi, Pune
4. Shrimant S/o Digambar Apune,
Age: 47 Years, Occu.: Private Service,
R/o.: Taleranwadi Road,
Kesnand, Pune
5. Ajay S/o. Yashwant Apune,
Age: 26 Years, Occu.: Private Service,
R/o.: Pune
6. Suraj S/o. Ramchandra Raut,
Age: 27 Years, Occu.: Private Service,
R/o.: Kajla, Tal. & Dist. Dharashiv

**.. Respondents
(Resp. No.3 to 6 Orig. Accused)**

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Advocate for Applicants in ABA: Mr. Kishor R. Doke
Advocate for Applicant in application for assist to APP:
Mr. Santosh B. Bhosale
Advocate for Respondent/State: Mr. K. K. Naik

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 30.07.2024

Pronounced on : 01.08.2024

ORDER:

1. Criminal Application No.2829 of 2024 for assist to learned APP is allowed and disposed of.
2. Apprehending arrest in Crime No.165 of 2024, registered at Jamkhed Police Station, District Ahmednagar for offence punishable under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code, all 4 applicants have preferred instant application by invoking Section 438 of the Code of Criminal Procedure.
3. Learned counsel for the applicants submitted that there is false implication due to previous family dispute. It is submitted that, in fact, applicant no.1 is husband of informant. There was marital discord. Allegations of abetment to commit suicide by brother of informant namely Akshay on 23.01.2024 are levelled by filing FIR in question on 06.04.2024. Learned counsel pointed out that alleged suicide was committed by deceased Akshay in the house of his aunt at Katraj. There is no nexus of episode of suicide with applicants. False allegations are levelled regarding occurrence which had taken place on 10.01.2024 and 19.01.2024. There is also inordinate delay in lodging FIR i.e. occurrences which took place in January are reported in April and, therefore, FIR is motivated, false and afterthought. He further submitted that, in fact, on alleged date of suicide applicants were at their work place. Documents to

that extent are placed on record. That, applicants no. 2 to 4 have have no concern with the matrimonial discord between applicant no. 1 and informant, still they are implicated. That, applicants are ready to cooperate in the investigation. That, in the light of accusations nothing is recovered and, hence, relief of anticipatory bail is beseeched.

4. Learned APP, who is assisted by original complainant both have strongly opposed instant application. They both pointed out that offence is serious. Informant has narrated two episodes i.e. of 10.01.2024 and 19.01.2024, involving present applicants. That, there are threats to kill. The applicants have obscene MMS of informant, which were threatened to be made viral. Only because of threats brother of informant namely Akshay hang himself. That, applicants have created circumstances due to which suicide is committed. They are squarely responsible. There was no other reason. According to both learned APP as well as counsel representing complainant, mobile is yet to be seized. That, applicants are influential and are likely to misuse liberty. For all above grounds application is opposed.

5. After hearing both sides and on going through the papers annexed with application as well as on visiting the police papers placed on record by learned APP, it is revealed that present informant is wife of applicant Yogesh. According to her, she had instituted 498-A proceedings

against husband and her in-laws. Her husband, present applicant, Yogesh also had initiated criminal proceedings under Section 307 of IPC against present informant and her 2 brothers i.e. Anil and deceased Akshay. Resultantly, relations between applicant no.1 informant are apparently strained. Their marriage seems to be of the year 2015. Applicants no.2 and 3 are brother-in-law of informant, whereas applicant no.4 is nephew of applicant no.1.

6. In FIR, allegations are raised that on 10.01.2024, applicants approached informant to withdraw complaint initiated under section 498-A of the IPC and threats were said to be issued. Then, some occurrence is reported of 19.01.2024 i.e. after 9 days regarding issuing threats by showing some obscene MMS pertaining to present informant i.e. threats to make it viral. According to informant, at that time, deceased Akshay who accompanied her was said to be under pressure and was upset. He was thereafter sent to Jamkhed on 22.01.2024 i.e. after 4 days and Akshay has allegedly hanged himself in the house of aunt Mangal Sangle on 23.01.2024.

7. Therefore, apparently regarding some episodes taking place in January 2024 i.e. 10.01.2024 and 19.01.2024, suicide is allegedly committed on 23.01.2024, that too, at Jamkhed. Applicants are shown to be residents of Thergaon-Pune, Kesnand-Pune and Kajala, District

Osmanabad respectively. Statement of aunt of informant namely Mangal Sangle also appears to be recorded by Police, wherein she has reported about deceased informing her about coming to her place after quarrel with his parents.

8. Taking above material into consideration, it is evident that out of matrimonial discords two episodes took place on 10.01.2024 and 19.01.2024 at Bhoom, District Osmanabad and Wakdewadi Pune respectively. Suicide is said to be committed at Jamkhed on 23.01.2024 and report and FIR is lodged on 06.04.2024 i.e. almost after more than 3 months.

9. Both learned APP as well as learned counsel for the complainant have strongly opposed relief on the ground that recovery of mobile and alleged revolver brandished by applicant no.4 is yet to be caused are apparently of 10.01.2024. Taking into consideration above material, and when further investigation can be carried out by securing the presence of the present applicants, relief as prayed deserves to be granted.

ORDER

- (i) Anticipatory Bail Application stands allowed.

(ii) Interim protection granted to the applicants by this court by order dated 09.05.2024 stands confirmed on same terms and conditions.

[ABHAY S. WAGHWASE, J.]

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