



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

BAIL APPLICATION NO. 1830 OF 2024

BHAIDAS BODKYA PADVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Amit S. Savale
APP for Respondent No.1 : Mr. G. O. Wattamwar
Advocate for Respondent No.2 : Mr. S. P. Pandit
...

CORAM : S. G. MEHARE, J.
DATE : 24-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.172 of 2024 registered with Dhadgaon Police Station, District Nandurbar, for the offences punishable under Sections 64(2), 108, 351(2), 351(3), 137 of the Bhartiya Nyaya Sanhita, 2023.
3. The victim was 24 years old. It has been alleged against the applicant that on 19.08.2024, the victim was going to the house of his brother with her niece. That time, the applicant took her away. The father searched for her, but she was not found. It has been alleged against him that the applicant and the victim were together till 23.08.2024. They were residing in village Telkhedi. On

23.08.2024, the applicant dropped the deceased to her father's home, who was his father in law. That time, the victim narrated to her father that the applicant did forceful sex with her. Therefore, she felt insulted. Hence, she consumed poison. She was taken to the hospital. That time, she was not in a position to give the statement, and unfortunately, she died.

4. The learned counsel for the applicant submits that there is no material to believe that the applicant abetted the deceased to commit suicide. She and applicant had an affair. He was intending to marry her, but the reason best known to her why she consumed poison. He never had an intention to see her dead. To marrying with sister-in-law is their custom. He submits that in accidental death report, there were no allegations levelled against the applicant. Since she died, the complainant/father-in-law might have been instigated by somebody else to cook a story of abduction and rape. He even did not know that she had consumed the poison. Otherwise, he would not have drop her to her parent's home. She never complained against him during her lifetime. The applicant is languishing in jail for sufficient time. Nothing is to be recovered from him. Hence, he may be granted bail.

5. The learned A.P.P. for the State and the learned counsel for the victim have opposed the application. They contended that prima facie it is established that the applicant took her with him

and kept for two days. His conduct was unnatural. He knew that the deceased had consumed poison. Instead of staying with her, he left her to her parent's home. The over all conduct of the applicant is sufficient to draw an inference that he abetted the deceased to commit suicide. He has developed a false story of love affair with the victim. On the contrary, he did forceful sex with her. The offence is serious. The investigation is in progress. Hence, the applicant may not be granted bail.

6. Perused the papers.

7. The postmortem report does not indicate signs of forceful sex or external injuries. The prosecution has positive case of abetment to suicide. An abetment to suicide is a matter of deep appreciation of evidence before the trial Court. No weapon has been used in the crime. The prosecution has no material to satisfy the Court that during her stay for such a long period, the victim ever tried to escape or run away. Be that as it may, since no weapon is used and abetment is a matter of appreciation of evidence, his detention would serve no purpose. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicant – Bhaidas Bodkya Padvi be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety

of the like amount, in the above crime for the aforesaid offences, on the conditions that,

- (a) He should not tamper with the prosecution witnesses.
- (b) He should not threaten his wife or other witnesses till the trial is concluded.
- (c) He should attend the police station as and when called by the Investigating Officer on written notice till filing the chargesheet.
- (d) He should not enter the place of his residence for three months from the date of his release.
- (e) He should attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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