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913-ABA-1614-2023

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1614 OF 2023

Vimal W/o Rajendra Jadhav

...Applicant

VERSUS

The State Of Maharashtra And Another

...Respondents

...

Mr. N.S. Ghanekar, Advocate for Applicant.

Mr. N.B. Patil, APP for Respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 158 of 2023, registered with Kharda Police Station, District-Ahmednagar, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

2. Applicant's son Harishchandra committed suicide on 29.07.2023. He left a suicide note wherein it is mentioned that he had love affair with Savita Jadhav. Out of the love relations Savita delivered a male child. When Savita was discharged from hospital, Harishchandra, applicant being his mother and Savita came out of the hospital. At that time, Savita's parents and relatives took Savita and child away and killed the child. They

blackmailed him and threatened him. He was fed up with constant threats and therefore committed suicide.

3. FIR at Crime No. 146 of 2023 was registered against Savita, her parents and relatives for offences punishable under sections 306, 506 read with 34 of IPC. Savita came to be arrested in the said offence on 06.08.2023 and was remanded to police custody till 10.08.2023. Her police custody was extended up to 14.08.2023. On that day, she gave a confessional statement stating that she along with applicant and deceased Harishchandra killed the child and buried him in agricultural land cultivated by them on sharing basis. Pursuant to confessional statement decomposed body of child was exhumed. API Mahesh Jankar lodged FIR at Crime No. 158 of 2023 under sections 302, 201 read with 34 of IPC against Savita, deceased Harishchandra and present applicant.

4. Heard the learned advocate for applicant and learned APP for respondent-State. Perused the investigation papers.

5. Except confessional statement of Savita and tower location of applicant at village Naygaon, where she resides, there is nothing on record to show involvement of applicant in the

present crime. Obviously, the case is based on circumstantial evidence and *prima facie* chain of circumstances is not complete.

6. Fact remains that Harishchandra in suicide note has attributed killing of child to Savita and her relatives. Nothing is to be recovered from applicant and her custodial interrogation is not warranted in peculiar facts of the present case. Applicant being women is, therefore, entitled for protection.

7. In the result, Application is allowed in terms of interim protection order dated 11.10.2023.

8. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]