



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

ANTICIPATORY BAIL APPLICATION NO. 1880 OF 2023

**ASHOK CHANDRAKANT BAHIRWAL
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Nanabhau R. Thorat, Advocate for Applicant
Mr. A.R. Kale, APP for Respondent
Mr. N.C. Garud, Advocate to Assist APP

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**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 12th JANUARY, 2024**

PER COURT :

1. Applicant apprehends arrest in Crime No.306/2023, registered with Beed Rural Police Station, Beed, for offence punishable under Sections 306, 498-A, 323, 504 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Dilip Namdev Pawar, father of deceased Rupali. It is alleged that Rupali's marriage with applicant was performed in the month of June, 2015 and she was treated nicely for five years. The couple was blessed with two children. Applicant has been serving as driver in State Transport. He came to be transferred from Majalgaon to Ashti Depot, where he was addicted to vice of liquor. Rupali visited her maternal house at the time of Diwali festival when she told that she was being ill-treated by her in-laws, as they were picking quarrels on trifling matters and were

threatening to perform second marriage of applicant. Applicant used to beat her under the influence of liquor. Her in-laws were demanding Rs.5 lakhs for purchasing car. They were insisting that Rupali should bring said amount from her father. Informant gave assurance to pay the said amount and sent Rupali for cohabitation. Applicant also started doubting character of Rupali under the influence of liquor. On 07/10/2023 Rupali committed suicide by jumping in the well.

3. Heard learned advocate for applicant, learned advocate for informant and learned Assistant Public Prosecutor for State. Perused the investigation papers.

4. Learned advocate for informant strenuously urged that this is not a case of abetment to commit suicide, but it is a case of murder of Rupali, committed by her in-laws. He submits that due to the threats given by her in-laws nobody from their village is coming forward to give statement. He further relied on non-cognizable complaint lodged by him in respect of alleged threats given by applicant on cell phone.

5. It appears that missing complaint was lodged on 07/10/2023 when Rupali went missing. At that time, informant was also present and search was initiated to trace Rupali. In the missing complaint, there is no whisper about ill-treatment being meted out

to Rupali by her in-laws.

6. Except statement of maternal relatives, there is no material on record in support of allegations made in the FIR.

7. Perusal of investigation papers *prima facie* reveal that there is hardly any material showing involvement of applicant in the present crime. Nothing is to be recovered from applicant. His custodial detention in the facts of the present case is not warranted. Applicant was granted interim protection and he has co-operated in the investigation. Informant and the witnesses are from other village.

8. In that view of the matter, application is allowed in terms of interim protection order dated 8th November, 2023, on same terms and conditions.

9. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by Investigating Officer and co-operate in the investigation. Applicant shall not tamper prosecution evidence. Applicant shall not enter the village Jatdevala, Taluka Pathardi, Dist. Ahmednagar, till trial is over.

(NITIN B. SURYAWANSHI, J.)