



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1968 OF 2023

Dhammajyoti W/o Sandip Wadve ... Applicant

VERSUS

The State Of Maharashtra ... Respondent

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Mr. Mahesh K. Bhosale, Advocate for the Applicant

Mr. S.V. Hange, APP for Respondent – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th FEBRUARY, 2024

ORDER :

1. Applicants apprehends arrest in connection with Crime No.0224 of 2023, registered with Hadgaon Police Station, District Nanded for offence punishable under sections 306 read with 34 of the Indian Penal Code.

2. FIR is lodged by Satish Prakash Wadve stating that his brother Sandip had affair with applicant. Their marriage was performed 10 years before. They were blessed with one daughter. Thereafter, there used to be quarrels between Sandip and applicant about her frequent visits to maternal house. Then Sandip got service at Land Records office at Hadgaon, he and applicant started residing at Hadgaon near applicant's maternal house. Quarrels between Sandip and

applicant about her visit to her maternal house continued there. Sandip's in-laws used to physically and mentally ill-treated him on the ground that he is not allowing applicant to visit her maternal house. Sandip used to inform him that applicant has illicit relations at her maternal home and on her complaints her parents used to trouble him. He was fed up with the said ill-treatment and used to express that he does not want to live and wants to commit suicide. On 26.09.2023, Sandip committed suicide.

3. Heard the learned advocate for applicants and learned APP for respondent – State. Perused the investigation papers.

4. When Sandip committed suicide, A.D. No.34/2023 was registered on 26.09.2023, at that time, no complaint was made about abatement of suicide by the accused persons. There is delay of about 15 days in lodging FIR. Sandip has committed suicide on 26.09.2023 and the FIR is lodged on 11.10.2023. *Prima facie*, there is no material in the investigation papers to make out ingredients of section 107 of the Indian Penal Code. Therefore, *prima facie*, section 306 of the Indian Penal Code is not attracted in the present case. Applicant has a minor daughter of 7 years to maintain.

5. Investigation in the present crime appears to be on the verge of completion and nothing is to be recovered from applicant. Applicant was granted interim protection and she has co-operated in the investigation. Considering her gender, her pre-trial custodial detention is not necessary in the facts of the present case.

6. Application is therefore allowed by confirming interim protection granted to applicant by order dated 01.12.2023.

[NITIN B. SURYAWANSHI]
JUDGE