



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 BAIL APPLICATION NO. 2331 OF 2023

Savita Kailas Jadhav
Versus
The State of Maharashtra

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Advocate for Applicant : Mr. Shekade Shashikant E.
APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of Cr.P.C. in connection with crime No. 0146 of 2023 registered with Kharda police station, District Ahmednagar for the offences punishable under Sections 306, 506 r.w. 34 of I.P.C. Her application below Exh.08 in Sessions Case No. 127 of 2023 with similar prayer came to be rejected by the learned Additional Sessions Judge, Shrigonda, vide order dated 04.12.2023.

2. The informant averred in the report that his nephew Harishchandra was in love with the applicant. The love affairs were developed between them. The applicant begotten a child out of that love affairs. The said fact was noticed by the family members of the applicant i.e. her mother, father, brother etc. The marriage between them was settled. Thereafter, family members of applicant refused to perform the said marriage. The applicant and Harishchandra had

performed their marriage at Alandi but applicant stayed with her parents. The father, mother and brother of the applicant were harassing her. They had not accepted their marital tie. They were threatening to kill the applicant. Therefore, she was not ready to cohabit with Harishchandra. Harishchandra committed suicide keeping behind a suicidal note making allegations against family members of applicant-Savita that they instigated him to commit suicide. In the suicide note, he has mentioned that he was forced to pay Rs.2,00,000/- after giving birth to a child. The applicant was also compelled to stay with her parents. Deceased Harishchandra has mentioned that because of the harassment caused by the applicant and other accused persons, he committed suicide. Therefore, report was lodged and the applicant was arrested.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. The other accused are released on bail. The case against the applicant for the offences punishable under Sections 306 and 506 is not established. The investigation is over and the charge sheet is filed. Lastly, he prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application on the ground that the allegations against the applicant are serious in nature and he is prime accused in the crime. The applicant is also involved in the commission of murder of new

born child begotten to the applicant from deceased Harishchandra. He pointed out the suicide note in which the allegations are made against the applicant, which are mentioned in the report also. He lastly submitted that considering serious nature of the crime, the application be rejected.

5. Perused the charge sheet. From the report and the suicide note, it reveals that there are allegations against the applicant and other co-accused persons that they harassed deceased Harishchandra. However, other four accused persons are released on bail by this court. The applicant is a lady and a student. She has roots in the society. She will not flee away from the trial. The trial would take long period. Considering that the other accused are released on bail, the applicant is also entitled for bail on the ground of parity. The application therefore, deserves to be allowed. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0146 of 2023 registered with Kharda police station, District Ahmednagar for the offences punishable under Sections 306, 506 r.w. 34 of I.P.C. be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following condition:-

- a) The applicant shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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