

The State of Maharashtra & Anr. ... Respondents

4. The learned counsel for the applicant submits that there is no minimum punishment prescribed for the offence under Section 305 of IPC and the applicant is in jail from last more than one year.

5. It is submitted that in the FIR, there was no mention about such harassment or any allegations against the applicant. However, subsequently, after seven days of the incident, the FIR came to be lodged and in the same, certain allegations were made against the applicant. He further submits that as the charge-sheet has been filed, further custody of the applicant is not required.

6. In support of his submission, the learned counsel for the applicant has placed reliance upon the following judgments: *'Sanju Alias Sanjay Singh Sengar Vs. State of M.P.'*¹; *'Madan Mohan Singh Vs. State of Gujarat and Anr.'*²; *'Ramesh Kumar Vs. State of Chhattisgarh'*³; *'Prabhat Kumar Mishra alias Prabhat Mishra Vs. State of U.P and Anr.'*⁴; *'Neeru Yadav vs. State of U.P and Anr.'*⁵; *'Thulia Kali Vs. State of Tamil Nadu'*⁶ and, *'Sekaran Vs. State of Tamil Nadu.'*⁷.

7. On the other hand, the learned APP strongly opposed the application and she points out that after seizing the mobile phone, it was sent for verification and the CA report, opined that there were videos and photographs which were deleted by the applicant.

1 2002) 5 SCC 371
2 (2010) 8 SCC 628
3 (2001) 9 SCC 618
4 (2024) SCC online SC 232
5 (2016) 15 SCC 422
6 (1972) 3 SCC 393
7 (2024) 2 SCC 176

8. The learned APP points out the statements of witnesses who are villagers who repeatedly asked the applicant in front of his father not to harass the deceased. It is submitted that despite the same, he indulged himself in incessantly harassing the deceased to the extent she left with no other option than to commit suicide.

9. The learned counsel for the respondent no. 2 reiterates the submissions of the learned APP and prays for rejection of the present application. The learned counsel for the respondent no. 2 has placed reliance upon the judgment of the co-ordinate bench of this Court in the case of '*Gaurav Vs. State of Maharashtra*'⁸.

10. Having considered the material collected by the IO during the investigation and the rival submissions, it is evident that there is sufficient material available on record which *prima facie* connect the applicant with the alleged offence.

11. The statements of witnesses who are the villagers, *prima facie* show that they repeatedly try to make him understand not to harass the deceased or not to give threats to her. It has come on record, this exercise was done by villages in the presence of the father of the applicant and despite this, he continued to harass the deceased which resulted in commission of suicide by the deceased.

12. Moreover, CA report supports the case of the prosecution as regards the prosecution story of having photographs and the videos in

⁸ (2021) SCC online Bom 13715

the mobile phone of the deceased.

13. Thus, *prima facie* it appears that the applicant used to give threats to the deceased to make photographs and videos viral. Moreover, from the statements of the witnesses, it is evident that he made such photographs viral.

14. The judgments cited by the learned counsel for the applicant, in the above referred backdrop are of no aid to him.

15. In the circumstances, considering the incriminating material available on record and the evidence collected by the Investigating Officer, I am of the opinion that this is not a fit case for grant of bail. Accordingly, the application is rejected.

(ANIL S. KILOR, J)