

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 195 OF 2024

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2024.01.16
17:38:34 +0530

Mrs. Asmita Prashant Indapure ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Chaitanya Dixit a/w Mr. Dhananjay Bhosale for Applicant
Mrs. M.H. Mhatre, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 16th JANUARY 2024

P.C.

1. Heard Mr. Dixit, learned Counsel appearing for the Applicant and Mrs. Mhatre, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*.

3. The relevant details are as follows:-

1.	C.R. No.	792 of 2023
2.	Date of Registration of F.I.R.	27/11/2023
3.	Police Station Name	MIDC, Solapur
4.	Sections Applied	306, 34 I.P.C., 1860

5.	Date of Incident	21/11/2023
6.	Date of Arrest	27/11/2023

4. As per the prosecution case, the marriage between the Applicant and deceased brother of the informant-Prashant was solemnized in the year 2009 and have two daughters from this wedlock. As per the F.I.R., the Applicant was having a relationship outside of marriage, with one Akshay and owing to the said relationship, the deceased and the Applicant used to quarrel with each other. Thereafter, the Applicant went to reside at her father's residence in Pune from the residence of her husband at Solapur.

5. The incident in question occurred on 21st November 2023. It was found that the deceased had died by suicide. At that time, the written note of the deceased was found wherein he has stated that the reason for attempting suicide is the illicit relationship between his wife i.e. the Applicant and said Akshay.

6. Mr. Dixit, learned Counsel appearing for the Applicant submitted that the marriage between the Applicant and deceased was solemnized on 1st June 2009. They have two daughters aged 12 and 13 years from this wedlock. The daughters are in the 6th and 8th class. The Applicant has issued notice dated 11th February 2023 through the Advocate. He submitted that the said allegation

regarding an extra-marital affair is totally false. In fact said Akshay is the son of the maternal uncle of the deceased and he was harassing the Applicant and therefore the Applicant complained about the same to the deceased.

7. He further submitted that the deceased was not looking after the Applicant and her two daughters and therefore, in the year 2014, the proceeding seeking maintenance were filed and in the said proceeding the deceased agreed before the Marriage Counsellor to treat the Applicant properly and to maintain the Applicant and her two daughters. Thereafter the Applicant and the deceased started cohabiting. However, thereafter, harassment continued and therefore the Applicant went to her father's house in Pune on 15th June 2021. He further submitted that on 17th March 2022, the Divorce proceeding bearing P.A. No. 704 of 2022 was filed in the Family Court at Pune by the Applicant. After receiving the notice of same, the deceased filed Case No. 543 of 2022 on 14th October 2022 in the Family Court, Solapur seeking restitution of conjugal rights. He submitted that there are no antecedents and prayed for bail.

8. Mrs. Mhatre, learned APP opposed the Bail Application. She relied on the writing of the deceased.

9. It is to be noted that although the incident occurred on 21st November 2023, the F.I.R. has been lodged on 27th November

2023. It is apparent that the relations between the Applicant and deceased were not cordial and in fact the Applicant has filed proceedings seeking divorce at Family Court at Pune and thereafter the deceased had filed proceeding for restitution of conjugal rights in the Family Court at Solapur.

10. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

11. Mr. Dixit, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will not reside within Solapur district and the Applicant will reside at Pune.

12. The Applicant does not appear to be at flight risk.

13. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant Mrs. Asmita Prashant Indapure be released on bail in connection with C.R. No. 792 of 2023, registered with MIDC Police Station, Solapur, District Solapur on her furnishing P.R. Bond of Rs.5,000/- with one or two sureties in the like amount.

(b) The Applicant shall not enter the area of Solapur district after being released on bail except for reporting

to the Investigating Officer, if called and for attending the trial.

(c) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer while residing outside Solapur district and shall keep the same updated, in case there is any change.

(d) The Applicant shall report to the Dhankawadi-Pune Police Station, District Pune once every month, on first Sunday between 11.00 a.m. and 1.00 p.m. till the filing of the Charge-sheet. The Police Inspector of Pune Police Station, District Pune to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise or any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or any Police personnel.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the complainant or any witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and

shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender her passport, if any,
to the Investigating Officer.

14. The Application is disposed of accordingly.

[MADHAV J. JAMDAR, J]