

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.308 OF 2024

Suhas Kailas Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. V. V. Purwant a/w Ms. Fareha Rizvi, Advocates for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : JANUARY 31, 2024

P.C.:

1. Heard Mr. Purwant, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	246 of 2023
2	Date of registration of F.I.R.	05/05/2023
3	Name of Police Station	Vijapur Naka Police Station, District-Solapur
4	Section/s invoked	306, 323, 504, 506 and 34 of the <i>I.P.C., 1860</i>
5	Date of incident	04/05/2023
6	Date of Arrest	06/05/2023
7	Date of filing Charge-sheet	06/07/2023

3. As per the prosecution case, on 4th May 2023, deceased Jyoti Suhas Chavan killed her two children - son aged 3.5 years and daughter aged 2 years, by smothering them with a pillow and thereafter she died by suicide. Deceased Jyoti took such drastic actions owing to her prolonged suffering due to continuous harassment by the present Applicant-Suhas Kailas Chavan i.e. her husband. The F.I.R. has been lodged against her husband-Applicant, mother-in-law, sister-in-law, brother-in-law and his wife.

4. Mr. Purwant, learned Counsel for the Applicant submitted that the incident in question occurred on 4th May 2023. The Applicant has been arrested on 6th May 2023 and the Charge-sheet has been filed on 6th July 2023. He submitted that the investigation is completed and therefore, the Applicant be enlarged on bail. He further submitted that there is no incriminating material against the present Applicant.

5. Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that the material on record clearly shows that there was continuous harassment by the Applicant. She further submitted that there is a suicide note in which the Applicant has been held to be responsible for forcing the deceased to take such drastic actions.

6. This is an unfortunate case where the deceased-Jyoti Suhas

Chavan, who was the wife of the Applicant, killed her two children - son aged 3.5 years and daughter aged 2 years and thereafter, she died by suicide. It is true that there was continuous harassment of the deceased wife by her husband-Applicant. However, the Supreme Court in the case of *Bhagwan Das v. Kartar Singh*¹ has observed that it often happens that there are disputes and discords in the matrimonial home and a wife is often harassed by the husband or her in-laws and held that this however, would not by itself and without something more attract Section 306 of the I.P.C..

7. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 6th July 2023. There are 24 witnesses as per the Charge-sheet, who are proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

9. The Applicant is under incarceration for about 10 months.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Suhas Kailas Chavan be released on bail

¹ (2007) 11 SCC 205

in connection with C. R. No.246 of 2023 registered with the Vijapur Naka Police Station, District-Solapur on his furnishing P. R. Bond of Rs.25000/- with one or two sureties in the like amount.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Vijapur Naka Police Station, District-Solapur on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]