



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.553 OF 2024**

Shashank Sharad Ahire

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Amey Deshpande for Applicant.

Mr. Bapu Vitthalrao Holambe-Patil, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 21 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in C.R.No.489 of 2023 registered with Panchavati Police Station for the offences punishable under Sections 306, 498A read with Section 34 of the Indian Penal Code, has preferred this application to enlarge him on bail.
3. The deceased was the daughter of the first informant. Her marriage was solemnized with the applicant on 24 November 2015. The deceased allegedly consumed poison on the night intervening 1 and 2 October 2023. The deceased passed away on 10 October 2023.
4. The first informant alleged that after three months of the marriage, the applicant started to harass the deceased. He was making unlawful demands of money to pay the home loan EMI. The deceased used to narrate the incident of illtreatment.

Unable to bear the illtreatment, the deceased died by suicide.

5. Learned Counsel for the Applicant submitted that the marriage of the deceased and the applicant was solemnized in the year 2015. The marital discord struck the applicant and the deceased, as according to the applicant, the deceased was in a relationship outside marriage with another person. Attention of the Court was invited to the statements of the neighbours of the applicant who stated that they had overheard the altercations between the applicant and deceased over the alleged relationship outside the marriage. It was submitted that there was a delay of about 10 days in lodging the FIR. In the period intervening the incident of consuming poison and the death of the deceased, neither the first informant nor the deceased had made any grievance of illtreatment.

6. Learned APP resisted the prayer for bail. It was submitted that there was a constant harassment and illtreatment at the hands of the applicant. Attention of the Court was invited to the statements of the children of the deceased which indicate that on the night of the occurrence, there was quarrel between the applicant and the deceased and the applicant had allegedly assaulted the deceased. Learned APP also invited the attention of the Court to the statement of the witness with whom, the applicant suspected, the deceased was in a relationship outside the marriage.

7. At this juncture, it may not be necessary to delve into the aspect of the alleged quarrel over the relationship outside the marriage. The material on record,

prima facie, indicates that the marriage of the applicant and the deceased was solemnized prior to 7 years of the alleged occurrence. They were blessed with two children. It seems that the marital life of the applicant and the deceased was afflicted with discord. The statements of the witnesses, prima facie, indicate that there were frequent quarrels between the applicant and the deceased. In the circumstances, whether the acts attributed to the applicant constituted abetment within the meaning of Section 107 of the IPC, would be a matter for adjudication at the trial.

8. The applicant has been in custody since 20 October 2023. Investigation is complete for all intent and purpose. Chargesheet has been lodged. The applicant appears to have roots in society. Further detention of the applicant does not seem to be warranted. I am, therefore, inclined to exercise discretion in favour of the applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Shashank Sharad Ahire be released on bail in C.R.No.489 of 2023 registered with Panchavati Police Station, Nashik on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Panchavati Police Station on

first Monday of every alternate month between 11 am to 1 pm for a period of two years or till the conclusion of the trial whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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 him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)