

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

CRIMINAL BAIL APPLICATION NO. 1355 OF 2023

Swapnil Bhima Bhande

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ritesh M. Thobde a/w Mr. Sagar Tambe, Mr. Changdev Shingade,
Ms. Ankita Rai, Advocates for the Applicant.
Mr. P. H. Gaikwad, APP for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 22nd JANUARY 2024

P. C.

1. Heard Mr. Thobde, learned Counsel appearing for the Applicant and Mr. Gaikwad, 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.	877 of 2022
2.	Date of Registration of F.I.R.	30 th November 2022
3.	Name of Police Station	Sadar Bazar Police Station, Solapur
4.	Section/s invoked	306 of I.P.C., 1860
5.	Date of Incident	28 th October 2022
6.	Date of Arrest	13 th January 2023
7.	Date of filing Charge-sheet	11 th February 2023

3. As per the prosecution case, the deceased was in a relationship with the Applicant and the deceased was pregnant, however the Applicant refused to marry the deceased and therefore she died by suicide.

4. It is the contention of Mr. Thobde, learned Counsel appearing for the Applicant that there is a delay in lodging of F.I.R. and that the allegations are concocted as an after-thought. Mr. Thobde submitted that a perusal of the F.I.R. shows that the deceased had sent some messages to the family members on the day when she went out of the house and these messages do not incriminate or implicate the Applicant in any manner.

5. Mr. Gaikwad, learned APP strongly opposes the bail Application. He submits that apart from the messages which the deceased had sent, there are witnesses whose statements show that the deceased took drastic action and had died by suicide due to actions of the Applicant and Applicant is solely responsible for the same.

6. The incident in question had occurred on 28th October 2022 and the F.I.R. was lodged on 30th November 2022 for the offence punishable under Section 306 of the *Indian Penal Code, 1860*. The Applicant was arrested on 13th January 2023. The Charge-sheet has been filed on 11th February 2023.

7. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed. As per the Charge-sheet, there are 15 witnesses to be examined at the trial. There is no progress in the trial and even the Charge is not framed. The trial is likely to take a considerably long time. As the investigation is completed, the Applicant can be released on bail by imposing certain conditions.

8. Mr. Thobde, learned Counsel appearing for the Applicant states that as several witnesses are residing in Solapur, the Applicant will therefore not reside within District-Solapur and that the Applicant will reside at Kadali Village, Taluka- Akole, District-Ahmednagar.

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

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

ORDER

(a) The Applicant-Swapnil Bhima Bhande be released on bail in connection with C.R.No.877 of 2022 registered with the Sadar Bazar Police Station, District- Solapur on his furnishing P. R. Bond of Rs. 25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the 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 his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Rajur (Rural), Police Station, Taluka Rajur, District Ahmednagar once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Rajur (Rural) Police Station, Taluka Rajur, District- Ahmednagar to communicate details thereof to the Investigating Officer.

(e) 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.

(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 his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]