

Arjun

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

BAIL APPLICATION NO.3187 OF 2023

Bhalchandra Suresh Gavade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nithin Gaware Patil a/w Anandmaya Dhorde & Shantanu Kolhe, for the Applicant.

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

Mr. Satyajit G. Jagtap, Police Constable, Solapur Taluka Police Station, Solapur, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : FEBRUARY 07, 2024

P.C.:

1. Heard Mr. Nitin Gaware Patil, learned Counsel appearing for the Applicant and Ms. Veera 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.	509 of 2023
2	Date of registration of F.I.R.	23/06/2023
3	Name of Police Station	Mohol Police Station, Solapur
4	Section/s invoked	306, 498-A, 323, 504 r/w 34 of the <i>I.P.C., 1860</i>

5	Date of incident	18/06/2023
6	Date of arrest	27/06/2023
7	Date of filing Charge-sheet	19/08/2023

3. Mr. Nitin Gaware Patil, learned Counsel appearing for the Applicant submitted that the incident in question i.e. the deceased's death by suicide took place on 18th June 2023 and the F.I.R. has been lodged on 23th June 2023. He submitted that there is no suicide note. The investigation is completed and Charge-sheet has been filed on 19th August 2023. He further submitted that the Applicant is suffering from HIV and needs special medical care.

4. Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that there is a demand of dowry and that the deceased was subjected to harassment.

5. As per the Charge-sheet, there are a total of 16 witnesses proposed to be examined by the prosecution. There is no progress in the trial and even the charge is also not framed.

6. The Applicant is suffering from HIV. The Applicant has produced Certificate dated 1st April 2022 which shows that the Applicant is HIV positive.

7. It is an admitted position that the investigation has been completed and that Charge-sheet has been filed on 19th August 2023. The trial is likely to take a considerably long time. The

Applicant does not have any criminal antecedents.

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

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

ORDER

- (a) The Applicant - Bhalchandra Suresh Gavade be released on bail in connection with C. R. No.509 of 2023 registered with the Mohol Police Station, District-Solapur on his furnishing P. R. Bond of Rs.25000/- with one or two solvent 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 Mohol Police Station, District-Solapur once in two months i.e. on first Sunday 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.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]