

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

BAIL APPLICATION NO. 3876 OF 2023

Balaji Shrimant Nagime ... Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Pankaj D. Purway with Priyanka Mistry, Dhiraj Tiwari,
Akshay Bhalerao, for Applicant.

Mr. S. R. Agarkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 8th JANUARY, 2024

PC:-

1) Heard the learned Counsel for the applicant and the learned APP for the State.

2) The applicant, who is arraigned in CR No. 565 of 2023 registered with M. I. D. C. police station, Mumbai for an offence punishable under Section 306 of the Indian Penal Code, 1860 ("the Penal Code"), has preferred this application to enlarge him on bail.

3) The applicant was allegedly in a relationship with the deceased. On 6th September, 2023, the deceased died by suicide. A suicide note was found. The applicant was named in the suicide note as the person, who had taken undue advantage of the fact that the deceased was estranged from her husband and befriended and exploited her. Therefore, on account of infamy the deceased committed suicide.

4) The learned Counsel for the applicant submitted that in the suicide note, the deceased had referred to the alleged ill-treatment meted out to her by her husband and his relatives. There is a passing reference to the alleged relationship which the applicant had with the deceased.

5) The learned APP resisted the prayer for bail. I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 and the documents annexed with it. Prima facie, it appears that the applicant and the deceased were in a relationship outside marriage as the applicant has also placed on record documents which bear out the said fact. The question that is required to be considered whether there is prima facie material to make out a case of abetment. The suicide note adverts to the ill-treatment meted out to the deceased at the instance of her

husband and his relatives. It also appears that on the day preceding the alleged occurrence, there was some quarrel between the applicant and the deceased over not showing the mobile phone handset of the deceased. However, the material on record does not prima facie indicate that there was a direct or proximate act or omission on the part of the applicant which could be construed as instigation or intentional aid to commit the suicide.

6) Thus, a prima facie case is made out in favour of the applicant. Investigation is complete. Charge-sheet has been lodged. The applicant has been in custody since 7th September, 2023. The applicant has roots in society. Possibility of fleeing away from justice seems to be remote.

7) Hence, the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant Balaji Shrimant Nagime be released on bail in CR No. 565 of 2023 registered with M. I. D. C. police station, Mumbai for an offence punishable under Section 306 of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of

Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the learned Sessions Judge.

(iii) The applicant shall mark his presence at the concerned Police Station on the first Monday of every month between 10.00 am to 12.00 noon for a period of two years or till conclusion of trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of 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.

[N. J. JAMADAR, J.]