



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4264 OF 2023**

Babasaheb Sahebrao Shinde

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Shrikant Shirsath with Mr. Ravindra Lihinar for applicant.

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

API Shaikh, Khadakpada Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 23 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.517 of 2022 registered with Khadakpada Police Station for the offences punishable under Sections 306, 498A, 323, 504 of the Indian Penal Code.
3. The deceased was the wife of the applicant. The applicant allegedly had a relationship outside marriage with another lady. There were frequent quarrels between the applicant and the deceased over the said count. On 15 December 2022, the applicant again raked up quarrel with the deceased. The applicant had allegedly brought a bottle of rat poison and handed over the same to the deceased and instigated her to either consume the same, lest the applicant himself would commit suicide. Ganesh, cousin of the applicant took away the said bottle from the deceased. On the same day, at about 6.00 p.m., the applicant again raked up quarrel and handed over the

bottle containing rat poison. Thereupon, the deceased consumed the poison. Eventually, the deceased died on 19 December 2022.

4. Learned Counsel for the Applicant invited attention of the Court to the statement of Dr. Sunil Chauhan, in whose hospital the deceased was admitted. It was submitted that the said statement indicates that the deceased passed away for causes unconnected with the alleged consumption of poison.

5. Learned APP invited attention of the Court to the statement of 12 year old daughter of the applicant, which indicates that the applicant had delivered the bottle allegedly containing rat poison to the deceased and instigated her to consume the same.

6. In the backdrop of the nature of the accusation, the prosecution was directed to place before the Court the report of FSL, regarding the potency of the substance which was found in the bottle, which the applicant had allegedly given to the deceased. CA report indicates that general and specific chemical testing does not reveal any poison in Exhibit Nos.1 to 3. Prima facie, CA report dismantles the substratum of the prosecution case. In the circumstances of the case, the very aspect of unnatural death of the deceased may enter the arena of uncertainty. Evidently, the marital life of the applicant and the deceased was afflicted with discord.

7. In the aforesaid view of the matter, I am persuaded to exercise discretion in favour of the applicant.

8. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant - Babasaheb Sahebrao Shinde be released on bail in C.R.No.517 of 2022 registered with Khadakpada Police Station 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 before Khadakpada Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three 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.)