



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 118 OF 2025

Gaurishankar Mahesh Prasad

Age : 20 years, Occupation : Private Job,

R/o : Tenant in House of Vijaykumar,

Near Savta Mandir, Old Ranjangaon,

Taluka Gangapur,

District Chhatrapati Sambhajnagar.

... Applicant

Versus

State of Maharashtra

Through Police Inspector,

MIDC Waluj Police Station,

Aurangabad.

... Respondent

.....

Mr. Satyajit S. Bora, Advocate for the Applicant.

Mr. N. D. Batule, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 06.03.2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of the applicant in crime no. 0868 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad City for offence punishable under Sections 80 and 108 of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest of the applicant as 04.10.2024, learned counsel submitted that applicant is husband and his wife deceased Nishi Kumariya allegedly hanged herself on 01.10.2024. It is pointed out that applicant was at his work place. That, his wife committed suicide for the reasons best known to her. That, father has lodged report on next day alleging demand of money for motorcycle. Learned counsel took this Court through the report and submitted that from the FIR itself it is clear that informant has stated about giving Rs.2,00,000/- to the applicant previously itself, and therefore he questions subsequent allegation of demand of money. He submitted that there is nothing in proximity to alleged hanging by his wife while she was alone. There was no cruelty or maltreatment except sweeping and general allegations. Learned counsel submitted that investigation is over and charge sheet is also filed in November 2024 and when nothing further is shown to be recovered or discovered at the instance of the applicant, and when he is ready to abide all conditions imposed by this Court, learned counsel urges for grant of regular bail.

3. Learned APP strongly opposed on the ground that barely after few months of marriage, there was demand and in that backdrop,

there were cruelty. Deceased reported it to her parents regularly and informant father has stated about it in his report. That, even there are statements of immediate neighbours and landlord regarding hearing about demand and ill-treatment. However, learned APP conceded that applicant was not present when Nishi Kumariya hanged herself as, according to him, door of the room in which she hanged herself was locked from inside and was required to be break open. However, according to him, in view of nature of allegations and applicant being from Bihar, there is likelihood of misuse of liberty and applicant not being available for trial. Hence, he opposed grant of bail.

4. Perused the papers. Report by one Gulshan with M.I.D.C. Waluj Police Station is of 03.10.2024 and its substance is that marriage of his deceased daughter was performed with present applicant in March 2024. He has stated that after marriage, she came to reside with applicant, who was working in M.I.D.C Waluj and residing at Ranjangaon. He further informed that his son-in-law took Rs.2,00,000/- for motorcycle, but thereafter, his daughter was repeatedly telling on phone about she being beaten everyday and was asked to bring Rs.1,00,000/- from her father. Further reading of the report shows that in the concluding para, it is stated that inspite of giving money by way of dowry and inspite of paying Rs.2,00,000/- for

motorcycle, repeatedly demand of gold chain was raised and because of threats and beating, his daughter committed suicide.

5. Statements of witnesses, to which attention is invited by learned APP, are also visited, i.e. of Komal Rajput, Vijaykumar Borhade and Padma Borhade. Komal is the neighbour who seems to have first noticed deceased hanging in her room and on her information, others gathered and door was opened. They are all, in monotonous manner, giving statement to police about hearing quarrels between husband and wife intermittently on minor counts and further claimed to have heard from deceased that there was continuous harassment for Rs.2,00,000/- for purchasing motorcycle. However, their statements are apparently recorded on 16.11.2024 and 08.11.2024 respectively, i.e. almost after one and half month since alleged suicide. Here, it is apparent that when applicant was not in the house, deceased had hanged herself. Now investigation is over and chargesheet is already filed. Resultantly when nothing further is shown to be recovered or discovered, merely because applicant is from other State, is no good reason to continue his further detention. Apprehension about misuse of liberty can be taken care of by imposing stringent condition. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Gaurishankar Mahesh Prasad be released on bail in connection with Crime No. 0868 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad City, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the village/town where the informant and his family members reside, till conclusion of trial.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicant shall attend the concerned police station once in every week i.e. on every Monday between 11.00 a.m. to 02.00 p.m. till committal of the case and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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