



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 864 OF 2025

Bhushan S/o. Atul Shivalekar,
Age : 42 Years, Occu. : Business,
R/o. Adarsh Colony, Wadarwadi,
Bhingar, Ahilyanagar,
Tq. & Dist. Ahilyanagar.

.... Applicant

VERSUS

- 1) The State of Maharashtra
For Ahilyanagar Camp Police Station,
Ahilyanagar, Tq. & Dist. Ahilyanagar.
- 2) The Superintendent of Police,
Ahilyanagar, Tq. & Dist. Ahilyanagar.

.... Respondents

....
Advocate for Applicant : Mr. A.S. Gandhi
APP for Respondents-State : Mr. V.S. Badakh

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CORAM : SANJAY A. DESHMUKH, J.
(VACATION COURT)

Dated : 03rd June 2025

ORDER [PER COURT] :-

1. This is an application for granting anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in crime bearing No.0059 of 2025, registered with Ahilyanagar Camp

Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 108, 49, 3(5) of the Bharatiya Nyaya Sanshita, 2023.

2. It is averred in the report that, on 02.02.2025, there was procession of the *Halba* community on account of *Vasant Panchami*. The said procession was completed in the evening. Thereafter, the wife of the informant went for changing her clothes in the bedroom. She latched the door of the bedroom. However, she did not respond to anybody, therefore, door of the bedroom was broken and they found that she committed suicide by hanging herself from the fan with a saree. She was taken to the Civil Hospital at Ahilyanagar and after examining by the Doctor, she was declared as dead. Post mortem was conducted on the next day.

3. It is further averred in the report that a banner of photo of wife of the informant and other women on the occasion of *Vasant Panchami* was displayed in their village Bhingar. The informant noticed that the said photo of his wife on the banner was blackened by somebody else. Therefore, she felt humiliated. It is alleged that the applicant had sent a message to the informant and his son Akash that wife of the informant talks with him for entire day and night and she sleeps with him for entire night. Therefore, she committed suicide.

4. It is further averred in the report that on 08.02.2025, while the informant and other members of family were cleaning the house, they found one written chit in which deceased Vaishali had stated that the applicant's family members have taken disadvantage of her messages of good morning and good night and tried to defame her and therefore, she has committed suicide.

5. Learned Advocate for the applicant submitted that incident took place on 02.02.2025 and suicide note was found on 08.02.2025. Therefore, the report is lodged on 11.02.2025. Thus, there was delay of 09 days for lodging the report. He further submitted that the name of the applicant is not written in the alleged suicide note. The custody of the applicant is not necessary. The applicant has roots in the society and he will not flee away from the trial. If the applicant is arrested, he will suffer as he is innocent. It is lastly prayed to allow the application by granting the facility of pre-arrest bail.

6. Learned APP has strongly opposed the application and submitted that the applicant and other accused have instigated wife of the informant to commit suicide. The applicant has sent obscene message to her husband and son. Therefore, she was under mental

pressure. Therefore, due to abatement on the part of the applicant, she committed suicide. Learned APP pointed out the suicide note. He further pointed out the statement of witnesses. He prayed to reject the application.

7. Perused the application and statements of witnesses, particularly the copy of message sent to the informant and his son by the applicant in which he has claimed that he used to talk with his wife for entire day and night and she was sleeping with him for entire night. These are very serious allegations made against the applicant for which the provisions of the Information Technology Act, 2000 are not yet invoked by the Investigating Officer. The investigation is in progress. No doubt, the name of the applicant is not mentioned in the suicide note. However, his overt act of sending of the message to the informant is clearly establishing from the screen shot of the mobile handset and that is sufficient to hold that because of his overt act of sending the obscene message, the wife of the informant committed suicide. The delay for lodging report is also not ground to allow the application and it can be explained during trial.

8. Considering the serious nature of the crime against a woman and her family members, who have received such obscene

message sent by the applicant, the custodial interrogation of the applicant is necessary to seize the mobile handset used for sending the obscene message to the husband and son of that woman. Therefore, the applicant is certainly not entitled for facility of pre-arrest bail as his custody is necessary for further investigation of crime.

9. The application deserves to be rejected. Hence, the following order.

ORDER

The application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

asd