



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

991 BAIL APPLICATION NO. 1339 OF 2025

1. Mahesh S/o Bhimraj Bhate
 2. Bhimraj S/o Magan Bhate
-APPLICANTS**

VERSUS

1. The State of Maharashtra
-RESPONDENT**

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Ms. Rashmi S. Kulkarni a/w Ms. Riya Pande, Adv. Yashshri Patwardhan
and Mr. Ashish R. Kachole, Advocate for the Applicants
Mr. R. S. Wani, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 03.09.2025

PER COURT :-

1. Leave to amend. Amendment be carried out forthwith.
2. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.0171 of 2025 registered with Kopargaon Rural Police Station, district Ahilyanagar for the offences punishable under Sections 80 and 85 read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023. The applicants' application bearing Bail Application No.67 of 2025 with similar prayer came to be rejected by the learned Additional Sessions Judge, Kopargaon, district Ahmednagar, vide order dated 18.06.2025.
3. The learned advocate for the applicants pointed out the report in which informant averred that her daughter's marriage was

solemnized on 28.11.2023 with applicant No.1. The couple was blessed with a baby girl on 18.09.2024. He further stated that after one year of marriage, her husband (applicant No.1) started demanding Rs.5 lakhs for business purposes and all the family members were harassing her for the said amount. It is further averred that on 28.05.2025, the informant's son, Shailesh, inquired about her well-being through a phone call. At that time, she stated: "he cannot imagine how she is staying there. She is suffering despite doing everything. She told Shailesh that he should take care of himself and their mother, she doesn't need anything." Thereafter, she switched off her phone. After some time, the father of the informant received a phone call from Diksha's father-in-law, who informed him that Diksha had become unconscious. Later, the informant received another call from the father-in-law of Diksha, informing him that Diksha had committed suicide by hanging and that they should come to the Rural Hospital, Kopargaon, where the concerned doctor declared Diksha as dead. Thereafter, the report was lodged on 04.06.2025.

4. The learned counsel for the applicants submitted that the applicants have been falsely implicated in the crime. There is no evidence of any instigation to commit suicide on the part of the applicants. It is further submitted that the mobile phone chatting recovered from Diksha's handset, do not contain any incriminating material against the applicants.

The delay of eight days in lodging the report has not been explained. Furthermore, the other co-accused have already been released on bail, and the present applicants have roots in society. She lastly prayed to grant bail.

5. The learned APP strongly opposed the application and submitted that the applicants are involved in a serious crime. There is ample material on record indicating that Diksha was harassed for an amount of Rs.5 lakhs. He pointed out the statements of witnesses and submitted that the application deserves to be rejected.

6. Perused the charge sheet, particularly the report, the statements of witnesses, as well as the chatting between Diksha and her brother. The chatting took place on the same day i.e. the day of commission of suicide by Diksha, between Diksha and her brother, does not establish any kind of cruelty and abetment on the part of the applicants nor does it indicate any demand or instigation as contemplated under Section 107 of the Indian Penal Code, now Section 49 of the Bhartiya Nyaya Sanhita. The applicants have roots in society. The investigation is complete. Considering all these aspects and particularly the absence of any material to establish instigation immediately prior to the incident on the part of the applicants or the other co-accused, the application deserves to be allowed. Hence, following order:

::ORDER::

a. The application is allowed.

- b. The applicants in connection with Crime No.0171 of 2025 registered with Kopargaon Rural Police Station, district Ahilyanagar for the offences punishable under Sections 80 and 85 read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following condition.
- c. The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses in any manner.

[SANJAY A. DESHMUKH, J.]

HRJadhav