



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

46 BAIL APPLICATION NO. 1874 OF 2025

Mahesh Shivaji Mali

VERSUS

The State Of Maharashtra And Another

...

Mr. Kore Ganesh J, Advocate for Applicant

Mr. S. B. Narwade, APP for Respondent/State

AND

58 BAIL APPLICATION NO. 1967 OF 2025

Atul Shivajirao Durgude

VERSUS

The State Of Maharashtra

...

Mr. More Abhijit S., Advocate for Applicant

Mr. N. B. Patil, APP for Respondent./State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 13.10.2025

PER COURT :-

1. Heard.

2. These are the applications for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.401 of 2025, registered at Dharashiv City Police Station, District Dharashiv, for the offences punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned advocates for the applicants pointed out the report

in which it is averred that a few days before the incident, the husband of the informant had been under stress due to financial crisis for the past six to seven months. The applicants had been harassing her husband on account of monetary transactions. They used to make phone calls to him and as a result the informant's husband committed suicide on 25.07.2025. Therefore, the report was lodged on 22.08.2025, approximately 28 days after the incident.

4. The learned advocate for the applicants submitted that the applicants have roots in the society and have no criminal antecedents. They will not flee away from the trial. It is submitted that the report was lodged after the 28 days of the incident. The practical investigation is over and the trial will take a long period. It is lastly prayed to grant bail to the applicants.

5. The learned APP for the State strongly opposed the application and pointed out the role of the applicants in the abetment suicide of the informant's husband. It is submitted that if the applicants are released on bail, they will certainly pressurize the prosecution witnesses and tamper with the evidence. In such circumstances, it is lastly prayed to reject the applications.

6. Perused the papers of investigation, particularly the report, statements of the injured witnesses and others documents. The suicide of the husband of the informant is not disputed. As far as the allegation of abetment soon before the death is concerned, it is a matter of evidence. The applicants have roots in the society and they will not flee away from the trial. The trial will take a long period. Therefore, without adverting to the merits of the case, particularly the facts situation as well as the delay in lodging the report, the applications deserve to be allowed on the principle that bail is rule and jail is the exception. Hence, the following order:

::ORDER::

- I. The applications are allowed.
- II. The applicants, in connection with Crime No.401 of 2025, registered at Dharashiv City Police Station, District Dharashiv, for the offences punishable under Sections 108 and 3(5) of the Bharatiya 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 conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

- b) The applicants, except on the dates fixed for hearing of the trial, shall not enter in Dharashiv (City), District Dharashiv, till the filing of the charge sheet.

[SANJAY A. DESHMUKH, J.]

HRJadhav