



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1778 OF 2025

Datta Ankush Wahulkar

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Avinash Patil h/f. Mr. Abhaysinh K. Bhosle
APP for Respondents: Mrs. P.J. Bharad.

CORAM : MEHROZ K. PATHAN, J.

DATE : 16TH DECEMBER, 2025.

P.C. :-

1. The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 0795 of 2025 registered with MIDC Waluj Police Station, Dist. Chhatrapati Sambhaji Nagar for the offences punishable under Section 108 r/w. 3-5 of the Bhartiya Nyaya Sanhita.

2. The case of the prosecution is that deceased Aruna was the wife of applicant Datta Wahulkar. Other accused are the in-laws of the deceased. It is alleged that when the deceased was cohabiting with the applicant and other accused persons, he used to cause physical and mental harassment under the influence of liquor. It is alleged that, other accused persons also used to cause physical and mental harassment to the deceased and they used to instigate applicant – Datta to cause harassment to the deceased. Therefore, on 10.08.2025 she committed suicide by hanging herself. Thereafter, her brother Pramod lodged FIR on 12.08.2025 alleging that the accused persons including the applicant

abetted the deceased to commit suicide. Accordingly crime was registered.

3. The learned counsel for the applicant submits that the applicant was residing separately from the deceased wife. The deceased wife had come to matrimonial home two days before the date of incident. The marriage of the applicant with the deceased had taken place almost 20 years back and there was no such earlier complaint filed by the deceased or her parents, alleging cruelty or harassment on the part of the applicant.

4. Even though the name of the applicant is mentioned in the suicide note, there cannot be said to be any instigation at the behest of the applicant for abetment of suicide, particularly, when there were no good terms between the applicant and the deceased, and she was residing separately.

5. Learned APP vehemently opposes the application on the ground that the investigation is going on and the suicide note implicates the applicant and his family members. The applicant is evading arrest from the date of registration of offence. The statement of daughter of deceased and other relatives also shows that there was continuous harassment at the behest of present applicant. As such, this is not a fit case to grant anticipatory bail to the applicant.

6. I have gone through the investigation papers made available by learned APP. After going through the record it is seen that immediately after the death of deceased Accidental Death Case No. 0148 of 2025 was registered on 11.8.2025. The spot panchanama was conducted on 11.8.2025, i.e. on the next date of death of deceased and the suicide note is found on the table of the matrimonial home of the

applicant and the victim. Be that as it may, the FIR is registered on 12.8.2025 with the specific allegation that the applicant used to harass the deceased after consuming alcohol. There is a mention of earlier complaint being filed, however, the case diary does not contain any such complaint. The mother of the deceased i.e. complainant has also not filed any complaint of cruelty and harassment at the behest of the applicant any time earlier. The statement of Deepika i.e. daughter of the applicant and deceased would show that the deceased had stayed at her matrimonial home on her own, after they visited the house on 9.8.2025 and the children had come back. However, the deceased stayed back by her own choice at Kamlapur and it is thereafter that on the next date that her maternal uncle had informed about the death of the deceased by hanging. The say of the prosecution does not show any particular purpose for which custodial interrogation is required.

7. Whether the ingredients of the Suicide Note would itself be sufficient to bring it within the category of instigation or provocation for abetment to commit suicide, is a matter of evidence to be led before the trial court. Hence, I am inclined to protect the applicant. The observations made hereinabove are prima facie in nature and are made only for deciding the present application and the same may not influence the trial court. So far as the apprehension of the learned APP that the accused may flee away from justice, can be taken care of by imposing stringent conditions. Hence, the following order.

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No. 0795 of 2025 registered with MIDC Waluj Police Station, Dist. Chhatrapati Sambhaji Nagar for the offences punishable under Section 108 r/w. 3-5 of the Bhartiya Nyaya Sanhita, the applicant Datta Ankush Wahulkar be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or more sureties in the like

amount, on the following conditions :-

[i] The applicant shall attend the MIDC Waluj police station and report to the Investigating Officer on every Monday and Thursday between 11.00 a.m. to 1.00 p.m. till framing of charge.

[ii] The applicant shall not tamper with the prosecution evidence.

[iv] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives.

[iv] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-