



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

901 ANTICIPATORY BAIL APPLICATION NO. 758 OF 2025

1. Santosh s/o Baliram Jagdale
2. Devaibai w/o Baliram Jagdale. **... Applicants**

Versus

The State of Maharashtra. **... Respondent**

...
Advocate for Applicants : Mr. N. L. Jadhav.
APP for Respondent/State : Mr. S. B. Jadhav.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 06th June, 2025.
(Vacation Court)

P.C.:

1 Heard.

2 This application is filed for grant of anticipatory bail in connection with Crime No.0108 of 2025, registered with Patoda Police Station, District Beed, for the offence punishable under Section 108 read with 3(5) of the Bharatiya Nyaya Sanhita.

3 It is averred in the report that the informant is the brother of deceased Poonam. Applicant No.1 is the husband of Poonam and applicant No.2 is the mother of applicant No.1. Poonam begotten a

daughter namely Harshada, who is two years old. The informant further averred that after the marriage, she was treated well for one year. Thereafter, the applicants as well as the father of applicant No.1 started to quarrel with her. The informant's family members were convincing all of them.

4 It is further averred that on 7th April, 2025, the informant got phone call at about 08:00 am that Poonam has suffered from dizziness. Thereafter, she was taken to the hospital to Patoda. The informant went there. That time, the father of applicant No.1 showed the bottle of acid found in the bathroom, where Poonam committed suicide. When she was admitted in the Lifeline Hospital, Beed, the doctor said that Poonam is very serious and she was declared dead at about 11:00 am. The report was immediately lodged against the applicants and the father-in-law of Poonam.

5 The learned counsel for the applicants submitted that the report does not disclose that the applicants treated the informant with cruelty and abetted Poonam to commit suicide, which are the essential ingredients to proceed against the applicants after the suicidal death of Poonam. He further submitted that though it is suicidal death, there is no such abetment soon before the day on the part of the applicants. The applicants have roots in the society. Custodial interrogation of the

applicants is not necessary. The applicants will not flee away from the trial. He lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. There is presumption of abetment of suicide against these applicants as the unnatural death of Poonam has occurred within seven years of her marriage. The custody of the applicants is required for investigation. It is lastly prayed to reject the application.

7 Perused the report and the papers of investigation. The report and the statements of witnesses do not disclose that soon before the alleged suicide, Poonam was treated with cruelty, abetted by the applicants and was compelled to commit suicide. The abetment to commit suicide soon before the day of suicide, is essential ingredient to proceed against the applicants and merely because unnatural / suicidal death has occurred within seven years of the marriage, the presumption under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023 is not applicable. Thus, in the absence of foundational evidence of presumption as to abetment to commit suicide, there is no case to proceed against the applicants. The practical investigation is also over. Custodial interrogation of the applicants is not necessary. Further, the applicants have roots in the society. They will not flee

away from trial. Considering all these aspects, the application deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of applicants in connection with Crime No.0108 of 2025, registered with Patoda Police Station, District Beed, for the offence punishable under Section 108 read with 3(5) of the Bharatiya Nyaya Sanhita, they be released on bail on their furnishing personal bond of Rs.25,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.
 - c) The applicants shall attend the concerned police station as and when required and shall co-operate in the investigation.
- III. The concerned to act upon the authenticated copy of this order.

[SANJAY A. DESHMUKH, VJ.]