IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 BAIL APPLICATION NO. 1286 OF 2026

Sagar Babasaheb Aware
VERSUS
The State Of Maharashtra

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Ms. Avantika S. Kharade a/w Mr. Rahul R. Karpe, Advocate for Applicant
Mr. V. V. Jagirdar, APP for the Respondent – State
Mr. Rohan Bhagat, Advocate for the Original Complainant

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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 30.10.2026

PER COURT :

1. Heard the learned Advocate for the applicant, the learned APP for the respondent – State and the learned Advocate for the informant. With their assistance, I have perused the entire charge-sheet.

2. The present applicant, who is the husband of the deceased, seeks regular bail in connection with his arrest in Crime No.098/2026 registered with Ahilyanagar Camp Police Station, District Ahilyanagar, for the offences punishable under Sections 108, 85, 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The prosecution case, in brief, is that the deceased and the applicant got married in the year – 2023 and since then, they were residing together along with the applicant's family members. It is the consistent case of the prosecution that the applicant, along with his family members, subjected the deceased to harassment

and cruelty on several grounds, namely, that she was unable to cook food properly, that the dowry demands made by the applicant and his family members were not fulfilled by the deceased's family, and that she was unable to conceive. It is further alleged that the deceased was informed by the present applicant that he was involved in an extramarital affair and therefore he did not wish to continue his marital relationship with her. The prosecution case also demonstrates that efforts were made by the family members of the deceased, who requested the applicant and his family members to treat the deceased properly. However, according to the prosecution, the harassment continued. On the fateful day, i.e. 24.02.2026, the deceased suddenly went missing from the applicant’s house. A search was undertaken; however, she could not be traced. Thereafter, the complainant received a phone call informing him that the deceased had committed suicide by jumping into a nearby well. The dead body was removed and was taken to the hospital, where she was declared dead.

4. The learned advocate appearing for the applicant submits that the allegations pertaining to harassment and cruelty relate to the year 2023. According to her, there are no specific dates or times mentioned in respect of the incidents alleged against the present applicant and his family members. She submits that the allegations are vague in nature and have been levelled generally against the entire family. She further submits that the allegation regarding the applicant’s extramarital affair is not supported by any independent witness. Neither the FIR nor the statements of the witnesses disclose that, prior to 24.02.2026, the deceased was subjected to any harassment or cruelty that compelled her to take

the extreme step of committing suicide. The entire prosecution case is silent on the aspect of proximity between the alleged acts of cruelty and harassment and the incident of suicide. She further submits that the other family members of the applicant, who have also been arraigned as accused, have been granted ad-interim protection in anticipatory bail applications. The present applicant has been in custody since 25.02.2026. She points out that the investigation is complete and charge sheet has already been filed. She, therefore, prays that the application be allowed and the applicant be released on bail.

5. The learned Advocate appearing for the informant submits that a perusal of the post-mortem report clearly demonstrates that the prosecution case under Section 108 of BNS is nothing but an eyewash. According to him, the post-mortem report indicates the presence of a ligature mark on the neck of the deceased and, therefore, the investigating agency ought to have investigated the case as one of murder and charged the present applicant and his family members for the offence of murder, or at least under Sections 105 and 80 relevant provisions of the BNS. He further submits that the allegations against the present applicant are specific in nature. According to him, the applicant subjected the deceased to such cruelty and harassment that she was left with no option but to end her life. However, he contends that the investigation has not been conducted properly and that an investigation into the offence of murder ought to have been carried out. He submits that the applicant ought to have been charged with the offence of murder. He, therefore, prays that the application be rejected.

6. The learned APP opposed the application by submitting that the present applicant is the husband of the deceased and that there are specific allegations against him. According to the prosecution, the applicant's extra-marital affair was a driving factor that led the deceased to commit suicide. He submits that the post-mortem report and the statements of the witnesses recorded during the investigation support the prosecution case, and the involvement of the present applicant cannot be doubted at this stage. He further submits that no prima facie case is made out in favour of the applicant and, therefore, the application deserves to be rejected.

7. I have perused the entire case papers, the post-mortem, statements of the witnesses and the allegations levelled in the FIR. No doubt, the FIR reveals instances of harassment and mental cruelty meted out to the deceased. During the subsistence of the marriage from 2023 till the commission of suicide on 24.02.2026, the allegations in the FIR indicate that the deceased was subjected to harassment and mental cruelty on several counts. The deceased was harassed on account of not preparing food, for the alleged non-fulfillment of dowry demands by her parental family and also on the ground that she was unable to conceive. One of the incidents referred to in the FIR pertains to the disclosure that the applicant was having an extra-marital affair and that he did not wish to reside with the deceased. These allegations are undoubtedly serious and require due consideration. However, the prosecution will have to establish the same by leading cogent evidence before the Trial Court. At this stage, while considering the bail application of the present applicant, the Court is required to

ascertain whether there is prima facie material against the applicant so as to indicate that he was responsible for the commission of suicide by the deceased. Unfortunately, the averments in the FIR do not disclose any particulars regarding the dates, times, or duration of the alleged acts of harassment and cruelty. There is also nothing on record to indicate that any incident of harassment or mental cruelty occurred immediately prior to the date of suicide. Thus, the element of proximity between the alleged harassment and cruelty and the commission of suicide by the deceased appears to be absent from the material collected during the investigation. The material on record does not even remotely suggest that, immediately prior to the commission of suicide, there was any incident attributable to the present applicant. In the absence of such material, and considering the fact that the allegations levelled against the present applicant would require proof by way of evidence during trial, I am inclined to allow the application and release the applicant on bail. Hence, the following order:

ORDER

[I] The Application is allowed.

[II] The Applicant, in connection with Crime No.098/2026 registered with Ahilyanagar Camp Police Station, District Ahilyanagar, for the offences punishable under Sections 108, 85, 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), be released on bail on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount, subject to the following conditions:

[a] The applicant shall attend the concerned Police Station as and when directed by the Investigating Officer.

[b] The applicant shall not to enter village Nimbodi, Taluka and District Ahilyanagar till conclusion of the trial.

[c] The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

[d] The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

[e] The applicant shall furnish his current residential addresses and mobile numbers to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

[f] The applicant shall not leave India without prior permission of the trial Court and, if they possess passports, shall deposit the same with the trial Court within seven days of their release.

[g] The applicant shall not involve themselves in any offence of a similar nature while on bail.

[h] Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

[III] All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

[IV] The Bail Application is disposed of in the above terms.

[HITEN S. VENEGAVKAR, J.]

Sameer/Oct-2026