



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 ANTICIPATORY BAIL APPLICATION NO. 157 OF 2026

KAILASH PIDA PAWARA
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. A. V. Wadwale, Advocate for Applicant
Mr. M. A. Aher, APP for the Respondent/State

CORAM : R. M. JOSHI, J.

DATED : 9th JUNE, 2026

P. C. :-

1. The applicant seeks pre-arrest bail in connection with the Crime No. 0628/2025, registered with Shahada Police Station, District Nandurbar for the offences punishable under Sections 82(1), 108, 115(2), 351(2), 352 of the Bharatiya Nyaya Sanhita.

2. In short, it is the case of the prosecution that the victim, Mendribai, was married to the applicant about 15 to 16 years prior to the incident. Out of the said wedlock, they had three children, the youngest son however died about four years back. It is alleged that approximately one and a half years prior to the incident, the applicant performed a second marriage. Thereafter, he allegedly subjected the victim to abuse and assault under the influence of liquor. About three months prior to the incident, the victim had gone to her parental home; however, upon the applicant assuring

that he would treat her properly, she was permitted to return to her matrimonial home. On 23.11.2025, the victim committed suicide by consuming a poisonous substance.

3. Learned Advocate for the applicant submits that the marriage between the applicant and victim is 15 years old. According to him there are no specific allegations against the applicant as to when the applicant abused and had beaten the victim under influence of liquor. According to him, the marriage performed by the applicant with another woman cannot become a ground since the said marriage is performed one and half year before the occurrence of the incident. According to him the daughters of the victim and applicant have not supported the allegations. It is his submission that in any case considering the stage of investigation, custodial interrogation of the applicant is not necessary. He further submits that the applicant has no criminal history and he is not likely to flee from justice.

4. Learned APP opposed the application by citing the seriousness of the crime. It is his contention that, in the statements recorded before the police, the daughters of the applicant supported the allegations made in the First Information Report; however, in their statements recorded before the Magistrate, they did not support the same. It is his further submission that, at the relevant time, the daughters were studying in an Ashram School and, therefore, their statements before the Magistrate may not carry much

relevance. It is further submitted that, considering the statements of the witnesses regarding the harassment caused to the deceased, the prima facie involvement of the applicant in the incident in question is made out.

5. For the purpose of deciding an application for pre-arrest bail, the Court is required to consider the nature of the offence as well as the necessity of custodial interrogation. In the present case, the marriage between the deceased and the applicant was about 15 to 16 years old. Even if it is accepted that the applicant performed a second marriage, the same had taken place about one and a half years prior to the occurrence of the incident. As regards the allegations of abuse and assault upon the victim, no complaint in that regard was lodged during the lifetime of the victim. In this backdrop, the daughters of the deceased have not supported the case of the prosecution in their statements recorded before the Magistrate.

6. Having regard to these facts, and considering that the applicant has no criminal antecedents and is not likely to flee from justice, this Court finds it to be a fit case to enlarge the applicant on pre-arrest bail. In view of this, application stands allowed in terms of the interim relief granted vide order dated 29.01.2026

(R. M. JOSHI, J.)

ssp