

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4229 OF 2025

Dharmendra Pushpraj Singh ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Milan Desai a/w Mr. Mohd. Afzal Khan & Mr. Vivek Jadhav, for
the Applicant

Mr. Ashok S. Gawai, APP, for the Respondent - State.

PSI Swapnil Belose, Kashimira Police Station, is present.

CORAM: R. M. JOSHI, J.

DATED: 29th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 578 of 2024 registered with Kashimira Police Station, Thane for the offences punishable under Sections 103(1), 108, 85, 115(2), 351(3), 352, 240 of The Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").

2. As per the case of the prosecution, wife of the Applicant died on 11th November 2024. Initially ADR was recorded. On the basis of the First Information Report lodged by the father of the deceased on 27th November 2024 for the offence punishable under Section 108 of of BNS i.e. for abetment to commit suicide. It is during the course of the investigation, on the basis of the alleged statement recorded by the Applicant under Section 23(2) of Bharatiya Sakshya Adhiniyam, 2023, (for short, "BSA

Act:), it was revealed to the investigating agency that it is not the case of suicidal death but it is a case of a murder. It is thereafter the offence under Section 103 of BNS came to be attracted against the Applicant.

3. During the course of the enquiry of ADR, the dead body was referred for *post mortem* after conducting inquest panchanama. *Post mortem* report as well as inquest panchanama came to be included into the investigation papers. Statements of witnesses were recorded wherein it was alleged against the Applicant that he was addicted to liquor and he used to beat and abuse his wife i.e. deceased. On conclusion of investigation, chargesheet is filed.

4. Learned Counsel for the Applicant submits that the First Information Report does not indicate this to be a case of murder as even the first informant who is the father of the deceased alleges against the Applicant of abetment in commission of suicide by his daughter i.e. wife of the Applicant. It is his submission that on the basis of the alleged statement of the Applicant recorded under Section 23(2) of BSA, now it is alleged against the Applicant that he committed murder of his wife. By referring to the inquest panchanama so also *post mortem* report he argues that the said evidence indicates that this cannot be a case of murder and at the most the deceased can be said to have committed suicide by hanging. It is his submission that in such circumstances, after conclusion of investigation and with filing of the chargesheet and more

particularly when Applicant has no criminal history, he cannot be kept in jail by way of pre-trial sentence.

5. Learned APP opposed the application contending that on the basis of the voluntary statement of the Applicant accused, it was revealed to the investigating agency that he committed murder of his wife. It is further his submission that the inquest panchanama so also *post mortem* report shows the number of injuries on the person of the deceased which according to him are sufficient to show that this is a case of murder. He seek dismissal of the application on the ground that the offence is serious in nature.

6. *Prima facie* perusal of the record indicates that as per the report lodged by the first informant who is the father of the deceased, the marriage between the Applicant and deceased was performed in the year 2013 and after sometime, Applicant started abusing and harassing the deceased on being addicted to liquor. It is also claimed that he used to demand money and on non compliance of the same, the deceased used to receive beating at his hands. Even if, the said allegations are accepted to be correct, the question arises before this Court as to whether there is any *prima facie* evidence on record to show that Applicant committed murder of the deceased.

7. This Court is conscious of the fact that at the bail stage, the Court is not required to consider the evidence on record minutely however, in order to *prima facie* come to the

conclusion as to whether this could be a case of murder or suicide, for that limited purpose the material on record is appreciated.

8. First of all, it is necessary to record that neither it is a case of the first informant that the Applicant has committed murder of his wife nor initially it was so alleged by the investigating agency. This allegation is sought to be attributed solely on the basis of the so called statement of the Applicant under Section 23(2) of BSA. Question would arise before this Court as to whether the said statement would be sufficient in order to attribute any charge against the Applicant and *prima facie* candid answer thereto would be in negative. Thus, barring the said statement what evidence is collected during the course of investigation would become relevant.

9. After the death of the deceased, inquest panchanama was conducted wherein it was seen that the tongue of the deceased protruded and there were injuries found on her person. It is specifically stated therein that marks were found on the neck of the deceased showing she had hung herself. Similarly the *post mortem* report shows that there was a ligature mark in the form of pressure abrasion over the anterior aspect of the neck “V” shape oblique. *Prima facie* this observation indicates that there is more possibility of this case being of suicide rather than murder.

10. This Court finds substance in the contention of the learned Counsel for the Applicant that in case of strangulation, there ought to have been ligature mark encircling the neck of the deceased which is absent herein. Similarly this Court finds substance in his contention that, if the deceased was killed by smothering, her lungs ought to have been affected which is not seen from the *post mortem* report.

11. Thus, this Court is in agreement with the learned Counsel for the Applicant that in all probability this could be a case of suicide committed by the deceased. Having regard to the said fact, after conclusion of the investigation and with filing of the chargesheet and when the Applicant has no criminal history there remains no reason for not enlarging him on bail. Hence, following order :-

ORDER

- i) Criminal Bail Application No. 4229 of 2025 stands allowed in connection with Crime No. 578 of 2024 registered with Kashimira Police Station, Thane for the offences punishable under Sections 103(1), 108, 85, 115(2), 351(3), 352, 240 of The Bharatiya Nyaya Sanhita, 2023.
- ii) The Applicant be enlarged on bail, on furnishing P R. Bond of Rs.15,000/- with one or two sureties each in the like amount, to the satisfaction of the Trial Court.

- iii) The Applicant not to contact any witness, in any manner, whatsoever.
- iv) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- v) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

12. In view of the above, Application stands allowed and disposed of accordingly.

13. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-