



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.534/2026

Prakash Kisan Bhutekar .Vs. State of Maharashtra, thr. PSO PS Mahagaon, Tq.
Mahagaon, Dist. Yavatmal.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Advocate for applicant.

Mr. A. R. Chutke, A.P.P. for non applicant-State.

CORAM : M. M. NERLIKAR, J.

DATE : MAY 4, 2026.

Heard learned counsel for the parties.

2. By the present application, applicant is seeking regular bail in Crime No.825/2024, for the offences punishable under Sections 103, 85 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS"), registered with Police Station Mahagaon, District Yavatmal.

3. First Information Report ("FIR") was filed by one Tukaram Dhotre, alleging therein that on 15.12.2024 at about 09:00 a.m., when he and his son namely Ananda were working in an agriculture field, Ananda received a phone call from one Dnyaneshwar Panpatte that Pallavi, daughter of the first informant and sister of Ananda is found dead in a well. The family members of the deceased went to the spot to find that Pallavi has committed suicide and it was then informed to the informant. Accordingly, the informant went to police station and lodged FIR.

4. Learned counsel for the applicant submits that it is alleged in the FIR that the applicant, who is father in law of

deceased Pallavi, her husband and the in-laws were harassing the deceased and due to such harassment, Pallavi committed suicide. It was found that Pallavi died due to smothering and accordingly offences were registered against the applicant and his family members. He further submits that there are no specific allegations made against the applicant.

5. Learned counsel for applicant submits that the supplementary statement of Ananda, brother of deceased, was recorded on 23.12.2024, wherein it is alleged that he witnessed death of the deceased Pallavi as her husband pushed the deceased in the well. There is one other statement dated 16.12.2024, which is consistent with the supplementary statement but for a difference that in the statement dated 23.12.2024, Ananda stated that he saw the incident from some distance by hiding and in the statement dated 16.12.2024, he stated that he was present at the spot. Both statements and the FIR are contrary to each other. In fact, it is a story created by way of an after thought and does not inspire confidence. He further submits that in the FIR and in the statements, there are contrary versions and, therefore, the applicant cannot be connected with the crime. The applicant and other family members, except for the husband, were not on talking terms with the deceased. The applicant is behind bars from 15.12.2024. Now the investigation is over and charge-sheet is filed. Hence, the applicant be released on bail.

6. On the other hand, learned A.P.P. vehemently opposed the application and submitted that in the FIR there are serious allegations of harassment, which led the deceased to commit

suicide. In fact, the FIR was registered on the basis of the phone call of Dnyaneshwar, which was made to the brother of deceased Ananda. He further submits that, at a later point of time, it was revealed that it is the family members of the deceased i.e. husband and father in law, who were harassing her. On the fateful day, i.e. on 15.12.2024 at about 08:00 a.m. there was a quarrel between deceased and her husband. When husband of the deceased pushed her in the well. At the relevant time, the applicant was present at the spot of incident. These facts could be gathered from the statement of Ananda, who is an eye witness to the incident. Apart from that, Post Mortem Report reveals that the death is due to smothering. So far as harassment part is concerned, there is consistency in the statements. He pointed out statement of Gajanan Mudholkar, which shows that husband of the deceased and the present applicant were harassing her. Even, the deceased has disclosed this fact to him. Learned A.P.P., therefore, submits that considering the serious allegations, the application deserves to be rejected.

7. I have considered the record and the submissions. Perusal of the FIR and statements show that Tukaram, father of the deceased, has lodged the FIR on the basis of the information received from one Dnyaneshwar about finding the dead body of the deceased in the well. Accordingly, it appears from the record that family members of the deceased rushed towards the well and they found dead body in the well. Father of deceased registered FIR for an offence under Section 108 of the BNS. Admittedly, it appears that the cause of the death is due to smothering. However, final opinion is pending. It further

appears from statements of Ananda, recorded on 16.12.2024 and 23.12.2024, that he has witnessed the incident that husband of the deceased has assaulted and pushed her in the well and accordingly she died. It is to be noted that in the FIR it is stated that it was Dnyaneshwar, who had called Ananda and intimated about the death of deceased. Therefore, by no stretch of imagination, it can be said that Ananda had witnessed the incident as Dnyaneshwar had intimated about the dead body being found in the well. Further, had it been the case that Ananda witnessed the incident, he would have definitely intervened. In not doing so, he himself has created suspicion about credibility of his statement.

8. Under such circumstances, as the applicant is behind the bars since more than one year and further that investigation is over and charge-sheet is filed, I am inclined to grant bail. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant – Prakash s/o Kisan Bhutekar, be released on regular bail in connection with Crime No.825/2024, registered with Police Station, Mahagaon, Dist. Yavatmal, for the offences punishable under Sections 103, 85 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The applicant shall not enter into the vicinity where the informant and his family is residing.
- (iv) The applicant shall make himself available as and when called by Police Station Officer, Police Station, Mahagaon, Dist. Yavatmal.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(vi) The applicant shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.

(vii) The applicant shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(viii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.

(JUDGE)