

**IN THE COURT OF ADDL.SESIONS JUDGE AT PAITHAN,
DISTRICT AURANGABAD**

MHAU170001932026



**Cri. Bail Application No. 45 of
2026**

**Babarao Gangaram Balwante
Vs. The State of Maharashtra.**

**Crime No. 743 of 2025, Offence
U/sec. 108, 352, 351(2) r/w 3(5)
of BNS, P.S. Bidkin, Tq. Paithan.**

ORDER BELOW EXH.01

1. This is **second** application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, (for short "BNSS") for grant of bail by applicant namely Babarao s/o Gangaram Balwante.

2. The Investigating Officer has opposed the application by filing his reply vide Exh.04. He has objected the application on the ground that the present applicant, his wife Chaturabai, his daughter Manisha, wife of deceased, and one Bhagwat were harassing deceased Balaji Rama Thombre, as he came to know the love affair of his wife Manisha with said Bhagwat, and due to their harassment, deceased committed suicide. The mobile handset of applicant came to be seized, which shows that on 19.12.2025, applicant abused the deceased on whats app. There is possibility of tampering with the prosecution witnesses, if the applicant is granted bail.

3. Heard learned counsel for the applicant and learned APP for the State. Perused the application, say and copy of charge-sheet. This being the second application of applicant, he is required to show

that there is change in circumstance entitling him to bail. In this regard, it is the submission of learned counsel for the applicant that since the investigating officer has filed charge-sheet, there is change in circumstance entitling applicant to bail. I am not convinced with this submission simply for the reason that filing of charge-sheet does not in any manner lessen the offence, on the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons.

4. On perusal of copy of charge-sheet, it appears that Balaji Rama Thombre has committed suicide by hanging himself. The allegation against the present applicant is that he alongwith other co-accused have abetted the commission of said suicide by harassing and abusing him on the count that he came to know the illicit relations of co-accused Manisha with co-accused Bhagwat. It is the submission of learned counsel for the applicant that reading of FIR itself indicates that the alleged offence U/sec. 108 of BNS is not made out against the applicant and therefore, he is entitled to bail. It is his further submission that the investigation is completed and charge-sheet has been filed and therefore, the detention of applicant is not at all necessary.

5. Per contra, it is the submission of the learned APP that there is sufficient material on record showing the involvement of applicant in the crime and therefore, he may not be released on bail.

6. On perusal of charge-sheet, it appears that one suicide note was found to the police in the pant's pocket of deceased. Said suicide note reads as “ माझी सासू, सासरे व बायको मला खूप त्रास देत आहेत, जिवे मारण्याची धमकी व शिवीगाळ करत आहेत, माझे पैसे घेतले, बायकोचे लफडे पकडले ” The police have also examined the mobile handset of deceased Balaji Rama Thombre and in said mobile, conversation between applicant and deceased and audio clips abusing each other are also found. Police have also found the chat dated 14.12.2025 and 19.12.2025 between deceased and one witness Rohidas Thombre wherein deceased showed apprehension of threat to his life to said witness. Police have further found the chat dated 17.12.2025, 18.12.2025 and 19.12.2025 between deceased and present applicant showing that deceased shared audio clips and photos and chatting of his wife with her lover. Looking to these conversations between deceased and applicant and between deceased and witness Rohidas Thombre, I am not inclined to grant bail to applicant, though the investigation is over. I, therefore, pass the following order :-

ORDER

Application is rejected.

Date:- 28.03.2026

(R.D.Gadwe)
Additional Sessions Judge,
Paithan