

**In the Court of Additional Sessions Judge, Dhule.**  
(Presided over by Mr.D.M.Aher)

**Bail application Exh.5**

**In**

**Sessions Case No.60/2023.**

(CNR No.MHDH010007912023)

(Shivaji Bhil V/s. The State Of Maharashtra)

**Order**

The accused Shivaji Baliram Bagul (Bhil) has prayed for the regular bail in connection with Crime No.280/2016 registered at Dhule Taluka police Station under section 306, 323, 504 and 506 of the I.P.C.. I have read the grounds mentioned in the application.

2. The present application for bail is filed on 30.06.2023. On 11.07.2023, copy of bail application came to be furnished to the office of Public Prosecutor. On 14.07.2023, the Investigating Officer vide report Exh.6 sought the extension of time to file the say/reply. Thereafter, from time to time, the matter came to be adjourned. However, inspite of the lapse of more than one month, prosecution has not filed say/reply to the application. The Hon'ble Supreme Court in **Satender Kumar Antil V/s. C.B.I., Miscellaneous Application No.1849/2021 in Special Leave Petition No.5191 of 2021, decided on 11.07.2022**, directed that the bail application ought to have been disposed off within a period of two weeks. Here, more than six weeks have been lapsed from the filing of bail application. However, prosecution has not filed say/reply. In the circumstances, I am compelled to decide the application without say/reply of the prosecution.

**Facts and submissions :**

3. The prosecution case is as follows. Deceased Ranjanabai was the wife of accused. They were married prior to 20 years and were cohabiting at village Umbhad (Nandre), Tq. and Dist.Dhule. It is alleged that the accused was addicted to drink. He used to illtreat deceased Ranjanabai on trivial grounds. He used to beat her. He also used to suspect on her character. There was matrimonial discord between them. However, on intervention of the respectable persons, Ranjanabai had resumed cohabitation with accused. On 06.09.2016, deceased Ranjanabai left the house on the pretext of going to temple. However, she did not return to the house. On 08.09.2016, the dead body of deceased Ranjanabai was found in the public well at village Umbhad. Thereafter, informant Yashodabai, mother of deceased Ranjanabai lodged the report alleging that the accused abated deceased Ranjanabai to commit suicide. The crime came to be registered.

4. The papers show that the accused was absconded from the date of offence. The Investigating Officer conducted the investigation and filed chargesheet against the accused vide Section-299 of the Code of Criminal Procedure. On 21.02.2023, the police arrested the accused. Presently, he is in judicial custody. Almost six months have been lapsed from the date of arrest of accused. However, the Investigating Officer has not filed supplementary chargesheet. It seems that the prosecution is treating the chargesheet filed vide Section – 299 of Cr.P.C. as complete chargesheet. In other words, the investigation is over.

5. The learned advocate Mr.A.C.Sayed for the accused submits that the allegations in the F.I.R. are vague and general. He submits that deceased Ranjanabai might have fell in the well accidentally. He submits that there is no prima facie material to show the involvement of accused in the crime. He submits that the accused is physically disabled and require medical treatment. He submits that the investigation is over and further detention of accused is not necessary. Hence, he prayed to allow the application.

6. None appeared on behalf of prosecution. Hence, the argument of prosecution is dispensed with.

**Reasons and Relief :**

7. I have perused the papers. The post-mortem report shows that Ranjanabai died due to asphyxia due to drowning. The post-mortem report does not show ante-mortem injuries on the body of deceased Ranjanabai. Thus, prima facie Ranjanabai seems to have committed suicide.

8. The F.I.R. and statement of witnesses contain omnibus allegations about alleged illtreatment. There are no specific incidents are quoted. The record does not show that deceased Ranjanabai or her parents had lodged any previous report/complaint about illtreatment. There is no dying declaration of deceased Ranjanabai. During custodial interrogation, nothing incriminating is recovered from the accused. The investigation is already completed and chargesheet

is filed. The trial will take time for completion. The accused has no criminal history. It is evident that the accused is suffering from disability of leg. He is unable to stand and walk without the support of stick. He can get the proper treatment while on bail. It is true that after the crime, the accused was absconded, but that itself is no ground to refuse bail. The accused deserves to be granted one opportunity. His presence during the trial can be secured by taking appropriate surety. Considering all these circumstances, I am inclined to grant bail to the accused. Hence, the following order.

9. The bail application Exh.5 is allowed. The accused Shivaji Baliram Bagul (Bhil) is released on bail in connection with Crime No.280/2016 registered at Dhule Taluka police Station under section 306, 323, 504 and 506 of the I.P.C. on his furnishing P.R.Bond of Rs.50,000/- and surety in the like amount on the conditions that he shall not tamper with the evidence and he shall attend the trial regularly.

The copy of present bail application be sent to the Superintendent of Police, Dhule, for taking appropriate action against concerned Investigating Officer for not filing say/reply.

Date : 17.08.2023.

(D.M.Aher)  
Additional Sessions Judge  
(Court No.5), Dhule.

-X-X-

**CERTIFICATE**

I certify that the contents of this P.D.F File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.  
Name of the Court : Court of District Judge-5,  
Dhule.  
Order directly typed on dias : 17.08.2023.  
computer.  
Order checked and signed by : 17.08.2023.  
Presiding Officer  
P.D.F. Uploading Date : 17.08.2023.

Sd/- xxx

**Stenographer(Grade-I)**