

MHRT040005032024



Order below exh.31 in Sessions Case No.24/2024

1. The subsequent application is under section 483 of Bharatiya Nagrik Suraksha Sanhita 2023 in C.R.No.117/2024 registered with Dapoli Police station for offence punishable u/s 306, 498-A, 323, 504 r.w.s. 34 of IPC.

2. It is submitted that the accused was arrested on 29-06-2024 and since arrest he is behind bars. The accused has not committed any offence. The trial is going on. The applicant/accused has preferred bail application No.53/2024 before this Court. Said application was rejected on 05-09-2024. Thereafter accused applicant preferred bail application No.95/2024 before the Hon'ble Bombay High Court, which was withdrawn on 24-03-2025 with liberty to file fresh application after six months. Subsequent bail application is maintainable. The bail application of accused No.2 and 3 was allowed on 50-09-2024 and anticipatory bail application of accused No.4 was allowed on 06-09-2024. As per the case of prosecution the accused were harassing the deceased victim Vidya from 26-04-2021 until 28-06-2024. They treated her with cruelty. On 25-06-2024 and 28-06-2024 her family could not contact her due to network problem. On 28-06-2024 at about

08.30 A.M. father in law of deceased Vidya called younger brother of informant and informed him that there was quarrel between Vidya and accused No.1 on the last night. Thereafter at 12.30 p.m. he informed to her brother that whereabouts of the deceased are not known since 10.30 A.M.and after searching her it was found that the body of Vidya and her two years old son was in the well near the house. Thus there is allegation of inducement against the accused. The applicant/accused is seeking bail on the grounds that he is behind bar for more than 15 months. As per the chargesheet 41 witnesses have to be examined. The applicant has no relation with the offence. The offence u/s 306 of IPC is not made out. There was no abetment of suicide. There was no close proximity between the alleged instigation and the act of suicide. It is prayed to release him on executing bail bonds.

3. The Investigating officer and APP resisted application by filing say at exh.40. It is contended that the offence is of serious nature. In the investigation it was revealed that the accused have committed the offence. The crime of accidental death was registered on 28-06-2024 at 21.21 hours. As per the Whatsapp conversation between deceased Vidya and informant Vinod the accused were harassing the deceased mentally and physically. It was revealed in the investigation that accused No.1 used to beat the deceased. If the accused would be released on executing bail bond he may pressurize witnesses and tamper with evidence. Hence it is prayed to reject the application.

4. Heard.

5. It must be considered that the accused is behind bars since 15 months. The evidence of PW 1 informant Vinod is going on. The prosecution has to examine further witnesses. As per the testimony of informant Vinod the accused No.1 had purchased mobile phone on installment. He has paid only one installment. The persons of finance company used to come at his house for demand of money. He has sold ornaments of his sister due to addiction of liquor. He has pledged her Mangalsutra. The informant paid the amount and got it released. The deceased Vidya was telling him that her husband was harassing her. He was beating her and their son. There was meeting between the parents of the informant and the accused. Brother of the accused assured the victim and her parents that the accused will behave properly. However there was no change in the behaviour of the accused.

6. Considering the testimony of this witness it appears that the applicant/accused No.1 was addicted to liquor and he has not paid installment of the mobile phone. The deceased Vidya was working in a clinic at Thane and she has to leave her job to reside with the accused at his native place in Gavhe. There were frequent quarrels between the accused and deceased Vidya. The informant tried to convince the accused to behave properly. Therefore prima facie on the basis of allegations in FIR and evidence of informant

there was harassment to victim Vidya by the accused. However the prosecution has to prove that there was proximity between the harassment and the suicide committed by deceased Vidya. The prosecution has to prove that the accused intentionally aided the deceased to commit suicide. It must be considered that the other accused are released on bail.

7. The learned APP submitted that the employees in the Nursery of the accused are witnesses in this case and they may be pressurized by accused if released on executing bail bonds. However it shall be considered that the informant who is the key witness has been examined. Father and mother of the deceased have to be examined. There would not be possibility that the accused would pressurize father and mother of the deceased if released on executing bail bonds. If the accused is kept behind bars it will be as would as convicting him without trial. Presence of the accused can be secured if released on executing bail bonds. He is permanent resident of Dapoli Taluka. It is cardinal principle of law that bail is rule and jail is exception. Therefore I pass following order.

Order

1. Application is allowed.
2. The applicant Suraj Sanjay Mhabdi in C.R.No. 117/2024 registered with Dapoli Police Station be released on P.R.and S.B. of Rs.15,000/- (Rs. Fifteen thousand only) with one surety in the like

amount.

3. The applicant shall not commit similar offence of which he is accused.

4. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts.

5. The applicant shall not by himself or through any agent contact in person with victim or her family.

6. Inform concerned accordingly.

Date-06/11/2025

(P.S.Chandgude)
Additional Sessions Judge,
Khed.

Certificate

I affirm that the contents of this pdf file order are same word as per original order.

Name of Stenographer : Mrs.V.S.Kulkarni

Court Name : Additional Sessions Judge, Khed.

Date of Decision : 06-11-2025

Order Signed by P.O. on : 06-11-2025

Order Digitally Signed by P.O. on : 07-11-2025

Order uploaded on : 07-11-2025