

Criminal B.A No.641/2026
Tushar Subhash Patil Vs. State of Maharashtra
Order Below Exh.1
(CNRMHJG040023962026)

1. Present application is filed by the applicants/accused Tushar Subhash Patil for grant of regular bail under Section 483. of the Bhartiya Nagarik Suraksha Sanhita, in CR No.0180/2026 registered with Bhadgaon Police Station, Dist. Jalgaon, for the offence punishable under Sections 108, 80, 85, 115(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.
2. Case of the prosecution in short, is that 23.05.2026, one Mayabai Yuvraj Patil had lodged report with Bhadgaon Police Station. She had stated to police that on 21.04.2025, her daughter Vidya was married with Tushar. After marriage, Vidya had gone to her matrimonial home for cohabitation. Vidya was residing in her matrimonial home along with her husband and parents in-laws.
3. Mayabai had stated to police that after some days, husband and parents in law of Vidya were giving her mental and physical cruelty on account of demand of dowry. Husband of Vidya by name Tushar was beating her after taking liquor. They were not providing food to Vidya. Accused were making demand of Rs.Two lakhs.
4. Mayabai had stated to police that on 21.05.2026,

Vidya has committed suicide due to cruel treatment given by her husband and her parents in-laws on account of demand of dowry. On the basis of said information, police has registered offence against accused.

5. Applicant has submitted that on 23/05/2026, Bhadgaon Police had registered crime against him and his parents. Applicant has submitted that police has arrested him on 23/05/2026. Since that time, he is in custody in this crime. Charge-sheet having no.102/2026 was filed for the offence punishable under section 108, 80, 85, 115(2), 3(5) of BNS having RCC no.99/2026 pending before JMFC, Bhadgaon.

6. Applicant has submitted that, they are falsely implicated in this case. They have not committed any of the offences. There is delay in lodging of FIR. No dying declaration has been recorded in the present case. Applicant and his family members had no reason to demand dowry from family of deceased Vidya as their financial condition is very sound.

7. Applicant has submitted that investigation is over. Applicant has no criminal antecedents. In anticipatory bail application no.1057/2026, Hon'ble High Court has granted interim protection to accused no.2 and 3 by order dated 29/06/2026. Applicant has prayed that he be released on bail.

8. State has filed reply to this application at Exh.5. State

strongly opposed this application. State has submitted that offence of dowry is serious in nature. Present accused is husband of deceased Vidya. In case he is released on bail, he may try to tamper prosecution evidence. Hence this application is liable to be rejected.

9. I heard Ld. Counsel for applicant and Ld. APP for the state. Ld. Counsel for applicant has filed written notes of argument at Exh.7. Ld. Counsel for applicant has argued that there is contradiction in prosecution case. Statements of all prosecution witnesses are stereotype. All close relatives do not support FIR in their police statement.

10. Ld. Counsel for applicant has submitted that there is no mention in the statement of close relatives of deceased that deceased had told them about demand of dowry or that accused had instigated her to commit the suicide.

11. Ld. Counsel for accused has argued that prosecution case as disclosed from charge-sheet does not make out any case against accused. Hence accused is entitled to released on bail. **Ld. Counsel for accused/applicant has relied on following case laws:**

- 1] Karanjeet Singh Vs. State of Nct of Delhi, Bail application no.2971/2026 dated 22 April 2025.
- 2] Rekhabai Vs. State of Maharashtra, 2026 BHC - Aug : 5760.
- 3] Sushila Aggrawal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1.

4] Sanjay Chandra Vs. CBI, 2012 CriLJ 702.

12. I have gone through all these case laws. All these case laws reiterates settled position of law. These case laws are not applicable to facts of the present case in view of findings given below.

My Reasoning

13. I Perused this application and say submitted. I perused record of this case. At the time of deciding of bail application, the factors like the seriousness of offence, severity of punishment, available evidence against the accused, past conduct of the accused, and the possibility of fleeing from justice and tampering of prosecution evidence and the interest of the society are to be considered.

14. In the present case, present accused are prosecuted under section 108 of the B.N.S. which is an offence of abetment of suicide. Present accused are also prosecuted under section 80 of the B.N.S. which is the offence of dowry death. Offence of dowry death is punishable with imprisonment which shall not be less than seven years but which may extend to imprisonment for life. Offence is serious in nature.

15. Offence is committed against a young lady on account of demand of dowry. This court is not supposed to consider the merits of the case at this stage of proceeding. As per

ratio laid down by Hon'ble Supreme Court in several cases, the court should not conduct mini trial at the time of deciding bail application. Hence I consider that contention raised by Ld. Counsel for accused that prosecution case has not merit cannot be considered at this stage of proceeding.

16. In the present case, applicant has stated that investigation is over and charge-sheet is filed. This amounts to change of circumstances entitling present applicant to be released on bail. In the case of **Virupakshappa Gouda and Ors. Vs. The State of Karnataka and Ors.**[2017 AIR(SC)1685, MANU/SC/0344/2017], Hon'ble Supreme Court has held that-

"On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. 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".

This case law is applicable to facts of the present case.

17. Filing of charge-sheet does not amount to change of circumstances in serious offences. On the contrary, filing of charge-sheet shows that the investigating officer has found prima facie material against the present applicant for filing of charge-sheet against him. Hence, I consider that there is no sufficient ground to release present applicant on bail at this stage of proceeding. Therefore, I pass this order-

ORDER

1. This application is hereby rejected.
2. Inform to all the concerned accordingly.

August 11, 2026

(Smt. S.N.Morwale)
Additional Sessions Judge,
Jalgaon.