



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

**CRIMINAL APPLICATION (ABA) NO.643 OF 2024**

Nilesh Suresh Somkunwar

Vs.

State of Maharashtra, Through Police Station Officer, MIDC Nagpur

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

Court's or Judge's orders

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Mr. M. V. Acharya, Counsel for the applicant.

Ms. Sneha Dhote, APP for non-applicant /State.

Mr. Ratan Biranwar, Counsel for assist to prosecution.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 03/10/2024**

1. Apprehending the arrest at the hands of police in connection with Crime No.703/2024 registered with Police Station, MIDC, Nagpur for the offences punishable under Sections 352, 351(2), 115(2) and 108 of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Vandana Gadge, the mother of the deceased on an allegation that marriage of her daughter was performed with the present applicant in December 2023. It was a love marriage. Her daughter was communicating with her by telephonic call and disclosed to her that after 15 days of the marriage, the applicant started ill-treating, abusing and assaulting her. It is further alleged that he has also demanded the amount from her by saying that she should bring the said amount from her parents. As there were continuous quarrels between her and

the present applicant and present applicant also threatened her that he would seek divorce from the Court. She fed up with the said treatment and committed suicide by hanging herself. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that due to the death of the deceased, this false report was filed after delay of one day. He submitted that as far as the abetment is concerned, there is no material to show that the present applicant has abetted the deceased to commit suicide. He further submitted that the custodial interrogation of the present applicant is not required. In view of that, he be released on anticipatory bail in the event of his arrest.

4. Learned APP strongly opposed the said application and submitted that during the investigation, the statement of the mother as well as other relatives were recorded, from which it reveals that the deceased was ill-treated to the extent that there was no other alternative before her to commit suicide and thereby she has committed suicide. During the investigation, the mobile phone of the deceased was seized from which it reveals that present applicant has sent a messages which attracts the abetment at the hands of the present applicant. Thus, considering the nature in which the deceased was subjected for the ill-treatment is sufficient to

show his involvement in the alleged offence, his custodial interrogation is required. In view of that the application deserves to be rejected.

5. After perusal of the recitals of the FIR and the various statements of the witnesses, it reveals that within seven years of marriage deceased was ill-treated to the extent that there was no alternative before her to commit suicide and thereby she committed suicide. The statement of the witnesses, mother and the sister of the deceased shows that the deceased communicated them that she was ill-treated to the extent that the present applicant was not accepting the food which she had prepared, she was abusing, assaulting, demanding the money and therefore, there was no alternative before her and thereby she committed suicide. During the investigation, the Investigating Officer seized the mobile phone of the deceased from which it reveals that the deceased has received messages from the present applicant which have sufficient to show there was an abetment at the hands of the present applicant. In view of that the application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass following order:

**ORDER**

The application is rejected.

**(URMILA JOSHI-PHALKE, J.)**