



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 ANTICIPATORY BAIL APPLICATION NO. 110 OF 2025

1. DROPATI BABAN DUNGHAV
2. PAWAN BABAN DUNGHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Shekade Shashikant E.

APP for Respondent/State: Ms. Neha B. Kamble

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CORAM : ARUN R. PEDNEKER, J.

DATE : 27.02.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.299/2024, dated 08.10.2024, registered at Neknoor Police Station, District Beed, for the offences punishable under Section 108 of B.N.S.

3] This court by order dated 30.01.2025 granted interim protection to the applicants considering the submissions at para 3, as under:

“3] The allegations against the applicants is that the applicants did not permit Sheetal to marry with deceased Aniket which has resulted deceased committed suicide. It is alleged that

certain amount was taken by Pawan i.e. applicant no.2 from deceased and when deceased asked for the same, the applicant no.2 refused to pay the said amount. Due to this, there is some altercation between them. Prima facie, considering the allegations it cannot be inferred that the applicants intended the victim to commit suicide by their action. In view of the same, in the meanwhile, there shall be interim order in the following terms.”

4] The learned counsel submits that thereafter the applicants had attended the police station and cooperated with the investigation.

5] The learned APP submits that in the instant case apart from the fact that the applicants are the mother and brother of the Sheetal. The deceased - Aniket and Sheetal were in some relation and their marriage was called off by the applicants leading to distressful condition of the deceased.

6] The learned counsel for the applicants submits that the deceased was in habit of consuming liquor and threatened Sheetal and as such the family members of the Sheetal had called off the marriage.

7] The learned APP submits that apart from the aspect of calling out of the marriage there was certain amount due from the applicants to the deceased out of

which the deceased has demanded to return Rs.20,000/-to which the applicants refused. It is stated that due to harassment, the deceased has committed suicide.

8] As regards the suicide note wherein the deceased has stated that the applicants have harassed the deceased.

9] Considering the aspect that the marriage was called out for the reasons as stated by the applicants or for other reasons also that itself cannot be a ground for invoking Section 108 of BNS. As regards the amounts are concerned, it is not stated that, whether the applicants refused to make the payment or harassed him by refusing payment. Primarily, the main reason would be the calling out of the marriage. This in itself would not be sufficient to invoke Section 108 against the applicants.

10] In view of the above, the interim protection granted by order dated 30.01.2025 stands confirmed, on the following terms:

- i] The applicants shall attend the police station as and when required by the Investigating Officer.
- ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall

not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

11] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

12] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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