



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 ANTICIPATORY BAIL APPLICATION NO. 125 OF 2025
WITH
CRIMINAL APPLICATION NO. 414 OF 2025 IN ABA/125/2025

RUCHA SAINATH SONAWANE (IN FIR RUCHA W/O KARTIK LAMBE) AND
OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. R.N. Dhorde, Sr. Advocate a/w. S.S. Dudhane
h/f. Mr. V.R. Dhorde

APP for Respondents 1 & 2 : Mr. S.P. Sonpawale

Advocate for assisting APP : Mr. R.B. Singare

...

WITH

ANTICIPATORY BAIL APPLICATION NO. 172 OF 2025

BALASAHEB TRYAMBAK SONAVANE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. R.N. Dhorde, Sr. Advocate a/w. S.S. Dudhane
h/f. Mr. V.R. Dhorde

APP for Respondents 1 & 2 : Mr. S.P. Sonpawale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 19/03/2025

PER COURT :

1. Criminal Application No. 414/2025 in ABA No. 125/2025 filed for assisting APP is allowed. Mr. R.B. Singare is allowed to assist the learned APP.
2. Heard the learned counsel for the applicants, the learned APP for the respondents-State and Mr. R.B. Singare, learned advocate assisting APP.
3. The applicants in above applications are apprehending arrest in connection with Crime No. 447/2024 dated 29.12.2024 registered with Shivoor Police Station, Chh. Sambhajnagar (Rural) for the offences

punishable under sections 108, 3(5) of B.N.S., 2023.

4. This Court by order dated 31.1.2025 in ABA No. 172/2025 and by order dated 24.1.2025 in ABA No. 125/2025 has granted interim protection to the applicants by noticing the submissions and reasons at para 3 to 5 as under :-

"3] It is prosecution case against the applicants that on 03.04.2024 the marriage of the applicant no.1 and Kartik was solemnized. On 25.12.2024 at 9.00 a.m. the applicants arrived at the farm house of the informant and abused the informant, his brother Kartik and their mother on account of not restoring cohabitation with the applicant no.1 and at that time the informant and others had told the applicants that applicant no.1 has mental health issues. Due to threats given by the applicants, Kartik committed suicide. On the basis of the said allegation, the FIR is lodged against the present applicants.

4] The learned counsel for the applicants submits that even considering the allegations in the FIR in respect of threats given by the applicants to the victim, no case is made against the present applicants under Section 108 of BNS [Old Section 306 of IPC]. The learned counsel for the applicants relies upon the judgment in the case of **Nipun Aneja and others Vs. State of Uttar Pradesh** in Criminal Appeal No.654 of 2017 and submits that the parameters for abatement of suicide in terms of Section 108 of BNS would not apply to the facts of the case. Para no.22 of Nipun Aneja's case is noted below :

22. The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide.

5] Considering the submissions and the facts of the case and the laws laid down in the case of Nipun Aneja [supra], prima facie it cannot be said that the act of the applicants is such that they intend the victim to commit suicide. Considering the same, in the meanwhile, there shall be interim order in the following terms :-"

5. Mr. R.N. Dhorde, learned Senior Counsel for the applicants submits that in pursuance of the interim orders of this Court, the applicants have cooperated with the investigation.

6. Today, the learned APP has produced the injury certificate of the deceased showing the simple injuries on his person. The learned APP submits that on account of resolution of their dispute, FIR was not registered qua incident dated 25.12.2024.

7. Prima facie, this Court is of the view that the applicants wanted to send applicant No. 1 in ABA No. 125/2025 to the house of deceased (husband of applicant no. 1) for cohabitation. Even considering that the incident dated 25.12.2024 has occurred, prima facie, there is no intention of the applicants that the deceased should commit suicide. The applicants merely wanted that applicant No. 1 should cohabit with the deceased, who had married one year back. Considering this aspect of the matter and the interim protection granted to the applicants vide order dated 24.1.2025 in ABA No. 125/2025 and vide order dated 31.1.2025 in ABA No. 172/2025, the interim protection granted to the applicants therein can be confirmed.

8. In view of the above, ABA Nos. 125 and 172 of 2025 are allowed and the the interim protection granted to the applicants vide order dated 24.1.2025 in ABA No. 125/2025 and vide order dated 31.1.2025 in ABA No. 172/2025 is confirmed on the following terms :

i] The applicants shall attend the police station as and when required.

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.

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

10. 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.

11. The applications stand disposed of.

[ARUN R. PEDNEKER, J.]

SSC/