



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

924 BAIL APPLICATION NO. 1133 OF 2025

**NITIN AMRUT KOLI
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Ravindra Vitthal Gore
APP for Respondent/State: Mr. S. K. Shirse
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 15.07.2025**

P.C. :

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

2] The applicant is seeking bail as he was arrested on 30.05.2025 in connection with Crime No.103/2025, dated 30.05.2025, registered with Bodwad Police Station, District Jalgaon, for the offences punishable under Sections 85, 3(5), 108 of Bharatiya Nyaya Sanhita, 2023.

3] The learned counsel for the applicant submits that the wife of the applicant had committed suicide within one year of marriage as such offences are registered against him. It is alleged in the FIR that the applicant has demanded Rs.30,000/-, which was fulfilled and thereafter further demands were made and not fulfilled and, as such,

there was harassment at the instance of the applicant and the co-accused. In view of the harassment the daughter of the informant committed suicide. Accordingly FIR is registered against the applicant. The applicant is arrested on 30.05.2025. The other co-accused are arrested and released on bail.

4] The learned counsel for the applicant submits that the investigation is substantially completed but the charge-sheet is yet to be filed. The learned counsel for the applicant submits that there is absolutely no demand of dowry at any point of time or that there is no cruelty inflicted at the instance of the applicant.

5] The learned APP today submits that the medical report of the victim shows that the death is due to hanging.

6] The learned APP points out Section 117 of the Bharatiya Sakshya Adhiniyam, 2023 which reads as under:

“Section 117 - Presumption as to abetment of suicide by a married woman

When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the Court may presume, having regard to all the other circumstances of the case, that such

suicide had been abetted by her husband or by such relative of her husband.

Explanation.--For the purposes of this section, "cruelty" shall have the same meaning as in section 86 of the Bharatiya Nyaya Sanhita, 2023."

In view of that, the learned APP submits that considering the rigours of the Section 117 of BSA and, also, considering that the death is due to hanging, bail be refused to the applicant.

7] Considering the rival submissions it is to be seen that the father of the deceased has not stated anything about cruelty aspect i.e. demand of dowry in his statement under Section 183 of BNSS. The informant has stated that the incident has happened in the house of the applicant and that he had informed the applicant not to take down the body. However, it is stated that the body was brought down and taken to the hospital and there is no further allegation made against the applicant.

The mother of the victim has also recorded her statement under Section 183 BNSS. She has not stated anything as regards the payment of dowry or cruelty at the hands of the applicant or his family members.

8] On perusal of Section 117 of the BSA, in it's explanation the word cruelty used would have the same

meaning as in Section 86 of the BNS. Section 86 of the Bharatiya Nyaya Sanhita, 2023. Section 86 of the BNS reads as under:

“ Section 86 - Cruelty defined

For the purposes of section 85, "cruelty" means--

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

9] On the aspect of ‘cruelty’, there is no allegation of cruelty made in the 183 BNSS statement of the informant and his wife. There is no allegation of demand of dowry or payment of dowry or harassment at the hands of the applicant. Considering these aspects of the matter, prima facie, at this stage, it cannot be stated that the applicant has abated the offence of suicide. Considering the same, the applicant is granted bail on following terms and conditions.

10] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0103/2025, dated 30.05.2025, registered with Bodwad Police Station, District Jalgaon, for the offences punishable under Sections 85, 3(5), 108 of Bharatiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

11] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant 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 bail application. The concerned 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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