

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1990 OF 2025

Pashamahebul Mahammad Shaikh

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Jadhav Hanumant P.

APP for Respondent/State : Mr. P.D. Patil

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CORAM : MEHROZ K. PATHAN, J.

DATED : NOVEMBER 18, 2025

PER COURT :

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has approached this Court seeking anticipatory bail in Crime No.603/2025 registered with MIDC Latur Police Station, Latur for the offences punishable under Sections 108, 115(2) of Bharatiya Nyaya Sanhita, 2023.
3. The F.I.R. is filed by the brother of the deceased Dilshad thereby alleging that complainant's elder sister's marriage was solemnized before 14-15 years ago with Pashamahebul Mahammad Shaikh R/o. Khorli Galli, Latur. His elder sister namely Dilshad is having 3 children. Before two years, Dilshad lived in Sharda Sadan Asharam School, Nandgaon Shivar, Tq. & Dist. Latur. Her husband is a drunkard person. Pashamahebul drinking liquor and he take down on character of his wife and he was assaulting her. The complainant

stated that his mother convinced his sister to live with her husband. on dated 03/07/2025, at about 4 p.m. complainant's sister came in his house & said that her husband came home & he is drunk and assaulting to her and children also. Few days ago, he burnt the clothes and children's Aadhar Cards, so she will not return home and will not stay with her husband because her husband troubled them. On dated 06.07.2025, brother-in-law came home to take his sister to home but complainant's sister was not ready to go. She told complainant that if she went with her husband then she will die and there is no other way in front of her, but complainant and other family members make her understand.

That, on dated 22.07.2025 at about 10:45 am., Complainant went to work at Pati, Latur. His brother-in-law made a phone call and told your sister Dilshad committed suicide by hanging herself. The complainant informed his brother Riyaj, Uncle Taher Shaikh and Complainant went to sister's house at Nandgaon. Complainant reached there and saw there his bother, brother-in-law and neighbours were present, but when he reached there, his brother-in-law went away. Then complainant, his uncle entered in house but door was locked and they saw Dilshad was hanged and they entered in room by removing teen roof. That, complainant and his uncle brought down Dilshad and took her to hospital. At about 12 p.m. doctor checked her and declared her dead.

4. Learned counsel for the applicant submits that the applicant was married with the deceased since 14-15 years ago and as such, there were no complaints of any harassment meted out by the applicant to the deceased. The applicant is having three children out of the wedlock with deceased Dilshad and ready to abide by the conditions and co-operate with the investigation. It is his further submission that Section 306 of the Indian Penal Code which is now corresponding Section 108 of the Bharatiya Nyaya Sanhita requires immediate instigation at the hands of the accused, which would amount to abatement for commission of suicide. The allegations in the F.I.R. does not make out the allegation of proximate instigation at the behest of the accused/applicant and therefore, the offence under Section 108 of the Bharatiya Nyaya Sanhita is itself not made out by the applicant. He, therefore, submits that the applicant will co-operate with the investigation and custodial interrogation of the applicant is not necessary. Hence, he may be released on bail.

5. As against this, learned APP submits that there are direct allegations against the accused/applicant in the F.I.R. holding him to be responsible for commission of suicide by the deceased. He further submits that the incidents prior to the suicide are also mentioned narrating the role of the applicant in committing cruelty upon the victim Dilshad, which was also informed to the complainant, who is real brother of the deceased. He, therefore, submits that this is a case

of offence punishable with ten years and therefore, the applicant may not be released on bail.

6. I have gone through the F.I.R. and also the order passed by the learned Sessions Court. The severity of the allegations as narrated by the complainant relates to several incidents prior to the date of commission of suicide. One such incident was dated 06.07.2025, wherein the deceased Dilshad has expressed her state of mind in pursuance of continuous cruelty and harassment meted out by the applicant/husband and that there is no way left to the deceased than to commit suicide. Thus, looking to the nature of allegations directed towards the applicant/husband of abatement of commission of suicide and also the fact that the spot of incident is a matrimonial home where the applicant and deceased were residing together, further custodial interrogation of the applicant would be necessary to complete the investigation. I am, therefore, not inclined to entertain the present application.

7. The application stands rejected.

(MEHROZ K. PATHAN, J.)