



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 825 OF 2025
WITH CRIMINAL APPLICATION NO. 2201 OF 2025

VENKAT MAROTI AMRUTWAD

VERSUS

THE STATE OF MAHARASHTRA & ANOTHER

Mrs. S. G. Chincholkar, Advocate for the Applicant

Mr. K. K. Naik, APP for the Respondent/State

Mr. A. N. Suryawanshi, Advocate for the Informant

CORAM : ADVAIT M. SETHNA, J.

DATE : 30 JUNE 2025

P. C. :-

1. The Applicant has filed the present Application in anticipation of his arrest.
2. The proceedings relate to the Crime No. 198/2025 registered by Degloor Police Station, District Nanded. The First Information Report (for short '**FIR**') is dated 16 April 2025 lodged at 15.41 hours in respect of the offences alleged to have been committed under Section 108 of the Bharatiya Nyaya Sanhita (for short '**BNS**'). The occurrence of the offence is stated to be between 10 March 2025 to 11 March 2025 from 13.00 hours to 07.00 hours in respect of which the information was received by the said Police Station on 16 April 2025 at 15.31 hours.

CASE IN FIR :-

3. The Informant is the brother of the deceased name Balaji Chandrakant Honalwad aged 29 years. His sister i.e. Sunita Chandrakant Honalwad, age 25 years died due to committing suicide by hanging herself on to the need tree near Udgir road. Pursuant to this the father of

Informant i.e. Chandrakant Honalwad filed accidental death report No. 9/2025 on 11 March 2025. As noted in the FIR, there were talks of engagement/ marriage between the deceased and the aunt i.e. the mother of the Applicant since the last two years. Since such talks the deceased and the Applicant engaged in physical relations which were on the pretext of marriage. The Applicant and the deceased were also in contact to each other over phone and there are WhatsApp messages sent by the deceased by the Applicant in this regard. Since last one year the Applicant lost interest in the deceased and expressed his unwillingness to marry her. He also stated that Deceased was not good looking thereafter the deceased was in stress. The Applicant had expressed his desire to marry another woman and it was on 20 May 2025 that such arrange marriage was to be fixed between the Applicant and the said woman. The deceased on 10 March 2025 at about 1.00 pm left home to buy clothes in the market and on 11 March 2025 at around 7 a.m. she was found hanging from a tree in the field next to Siddheshwar Mangal Karyalay on Udgir road. It was in such circumstances that the report was filed by the Informant on the basis of which the said FIR was lodged on 16 April 2025.

SUBMISSIONS :-

4. Mrs. Chincholkar, learned Advocate for the Applicant would first submit that this is a case as would reveal from the FIR that none of the ingredients under Section 108 of the BNS, as alleged against the Applicant are even remotely present or applicable. According to her the Applicant and the deceased, the two consenting adults were in a relationship also physical, for almost two years. It was after a year that the Applicant convey his disinclination to marry the deceased. As far the FIR a deceased committed suicide on 11 March 2025 i.e. undisputedly

after one year, of the Applicant conveying his disinterest to marry the deceased. There is nothing on record to show any instigation and or inducement on the part of the Applicant to compel the deceased to end her life, except mere allegations of harassment to the deceased. Even though there is an allegation of the Applicant inducing the deceased to maintain physical relations with her on the pretext of false promise to marry there are no complaints brought on record in this regard to corroborate such allegation. The FIR which is lodged on 16 April 2025 is evidently after a gross delay of more than a month of the alleged incident dated 11 March 2025 of the Applicant being alleged who have abated the deceased to commit suicide on the said date. One day prior i.e. 10 March 2025 the deceased had as noted in the FIR, had gone to the market to purchase clothes. There is no explanation for such inordinate delay in lodging the FIR from the prosecution. There is no nexus between the alleged harassment caused to the deceased and her committing suicide. She would place reliance on certain Supreme Court judgments, which are discussed below, in support of her submissions. She would contend that the Applicant undertakes to fully co-operate with the on going investigation and that the Applicant is ready and willing to comply with such terms and conditions as imposed by the Court. Accordingly, there is no necessity for custodial interrogation and the ABA of the Applicant be allowed.

5. On the other hand learned APP Mr. Naik would strongly oppose the Anticipatory Bail Application. He would contend that the offences invoked against the Applicant are of grave nature, being that under Section 108 of the BNS. He would submit that the Applicant maintained physical relations with the deceased on the pretext of false promise to marry when he was knowing that there is no such intention, to marry the deceased. Further it was when the deceased learnt after

being in relations with the Applicant for almost two years mainly that on 20 May 2025 the Applicant intended to enter into arrange marriage with another woman. In such circumstances he would submit that the deceased was under tremendous stress and could not withstand such shock from the Applicant, pursuant to which she left her home on 10 March 2025 and committed suicide by hanging on a tree on 11 March 2025. He would refer to the statements recorded during investigation of the family members of the Informant to buttress the contents of the FIR. He would submit that the mobile phone on which the Applicant and the deceased were sending WhatsApp messages has been recovered. Considering the manner in which the deceased committed suicide as also the fact of harassment from the Applicant to the deceased, custodial interrogation of the Applicant is warranted in the given facts and circumstances. Accordingly, the ABA has no merits and deserves to be rejected.

FINDINGS :

6. Heard the learned Advocates for the parties and with their assistance perused the record.
7. A perusal of the contents of the FIR would reveal that the deceased sister of the Informant and the Accused were closely related to each other. Two years prior to the alleged incident where the deceased committed suicide, the FIR discloses that there were talks of engagement/marriage between the two of them at the respective family levels. Thereafter, the two consenting adults apparently had a consensual physical relationship between them and that the deceased was regularly chatting with the Applicant through the mobile on Whats App. As noted in the FIR the Applicant had maintained such relations with the deceased on the pretext of false promise to marry. However, it is pertinent to note

that one year prior to the alleged incident of the deceased committing suicide i.e. on 11 March 2025 the Applicant had clearly indicated to the deceased, his dis inclination to marry her. Thus, in the given facts the deceased was made aware of such fact by the Applicant. The FIR and record also reveal that on 20 May 2025 the Applicant was to enter into an arrange marriage with another lady which was expressed by him. It was on 10 March 2025 that the deceased left the house on the reason that she is going to the market to buy clothes and thereafter on 11 March 2025 she committed suicide by hanging herself to a tree. On the plain contents of the FIR the following vital features emerge:

- a. The relationship between the Applicant and the Deceased was consensual in nature;
- b. Such relationship was almost for a period of two years;
- c. It was one year prior to the alleged incident of suicide by the deceased that the Applicant had clearly indicated and expressed dis inclination to marry her;
- d. The complaint in relation to the alleged incidence was reported on 16 April 2025 when the FIR was lodged, almost after more than one month of the alleged incident.

8. Having gone through the record, the case diary before the court, the statements on record during investigation, there is no direct or even proximate acts or omission of inducement or instigation by the Applicant which left the deceased with no alternative but to end her life. Though a case of accidental death was lodged, there was no complaint filed against the Applicant of harassment or otherwise when the Applicant and Deceased were in relationship for almost two years. The prosecution has accepted that the mobile phone used for the alleged chats has also been recovered.

9. The judgment in *Prakash and Others Versus State of*

***Maharashtra and Others*¹** cited by the Ld Advocate for the Applicant where the Supreme Court observed that there is a clear gap of over one month between the incident of maholkadalat and the commission of suicide. In the given facts such gap of about one year of the Applicant expressing his dis inclination to marry her, after which the deceased committed suicide on 11 March 2025 pursuant to which the FIR is lodged on 16 April 2025, after delay of more than one month for which no explanation is coming forth. It appears that also in the given factual complexion the Applicant had *prima facie* no intention to instigate and or compel the deceased to commit suicide. The other decision in ***Ravish Singh Rana Versus State of Uttarakhand and Another*²** cited by the learned Advocate for the Applicant is on similar lines laying down similar principles which support the submissions of the learned Advocate for the Applicant. The learned APP would not controvert such legal position. Considering the facts and circumstances holistically, the ingredients of Section 108 of the BNS and or *mens rea* on part of the Applicant are *prima facie* not coming forth at this stage of the proceedings. There are no criminal antecedents of the Applicant brought on record.

10. In my view a *prima facie* case is made out by the Applicant in the given facts and circumstances. The Applicant undertakes to fully co operate with the ongoing investigation. The recovery of the mobile phone as noted above is also effected. The prosecution has not expressed any apprehension with regard to the Applicant influencing the witness or on tampering with the evidence, at this stage.

12. In my opinion, there is no requirement of custodial interrogation of the Applicant made out in such factual complexion. Thus, the ABA can be allowed by passing the following Order which would serve the ends of justice:-

1 2024 DGLS(SC) 1310

2 2025 DGLS (SC) 833

ORDER

- (i) In the event of arrest of the Applicant in connection with C.R. No. 198/2025 registered with Degloor Police Station, Dist. Nanded for the offences punishable under Section 108 of BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation. He shall attend the concerned police station on every Monday at 11.30 am until filing of the charge-sheet.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.
- (iv) The Applicant shall not leave the jurisdiction of the Court without prior permission of the Court.
- (v) He shall not interfere with the evidence and shall not tamper prosecution witnesses in any manner whatsoever.

9. Needless to mention that these are *prima facie* observations made in adjudicating this ABA.

10. **The ABA is allowed** in above terms.

11. In light of the above, nothing survives in the Criminal Application No. 2201 of 2025 filed on behalf of the Informant to assist the PP is accordingly **Disposed Of**.

(ADVAIT M. SETHNA, J.)

ssp