

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.1297 of 2025

Chaya Vishal Divekar

Age 32 years, Occupation -Farmer,

R/at – Kangaon, Taluka – Daund,

District – Pune.

... Applicant

versus

1. The State of Maharashtra
(Through Yavat Police Station in
connection with CR No.110 of 2025)

2. Nanda Laxman Divekar

Age 59 years, Occ. Agriculture,

R/at – Kadethan, Tal.- Daund,

District – Pune.

... Respondents

Mr Pawan Mali i/b Mr Rupesh Zade, for the Applicant.

Mr Pankaj Deokar, APP, for Respondent No.1 / State.

Mr Milind Parab, for Respondent No.2.

PC 2856, V U Kale, Yavat Police Station, Pune Rural, is present.

Coram: R.N. Laddha, J.

Date: 23 June 2025

P.C.:

Heard Mr Pawan Mali, the learned Counsel appearing on
behalf of the applicant, Mr Pankaj Deokar, the learned
Additional Public Prosecutor representing respondent No.1/

State, and Mr Milind Parab, the learned Counsel appearing for respondent No.2/ informant.

2. This is an application filed by the applicant apprehending arrest in CR No.110 of 2025, registered at Yavat Police Station, Pune, for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

3. According to the prosecution, the informant is the mother of the deceased man, who married the applicant on 14 July 2020. Following their marriage, the couple frequently argued over property and financial matters, including disagreements regarding the income from sugarcane sales. The applicant also held the deceased responsible for the loss of her unborn child. On 17 December 2024, a heated argument broke out over these issues, after which the applicant asked to be taken to her mother's house. The deceased borrowed a motorcycle to take her there and subsequently went missing. Tragically, on 18 December 2024, he took his own life, overwhelmed by distress and harassment.

4. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that there is an inordinate and unexplained delay of one month and twelve days in lodging the present crime. He highlights that the alleged

incident occurred on 18 December 2024, and the present crime was registered on 1 February 2025. According to the learned Counsel, the applicant did not instigate the deceased to commit suicide, nor did any actions or omissions on the applicant's part create any circumstances that left the deceased with no alternative but to take such a step. The allegations in the FIR, when considered in their entirety, do not imply that the applicant instigated the deceased to end his life. There is no substantive basis to charge the applicant for the offence punishable under Section 108 of the BNS. Furthermore, the learned Counsel submits that the applicant has been falsely implicated in the crime, and nothing is to be recovered or discovered at her behest. The applicant is ready to comply with any conditions imposed by this Court if released on bail.

5. Conversely, the learned Additional Public Prosecutor representing respondent No.1/ State and the learned Counsel appearing for respondent No.2/ informant jointly submit that the offence is grave and serious. They contend that the applicant subjected the deceased to harassment and mistreatment, ultimately leading him to take his own life. The learned APP fairly submits that the investigation is nearly complete, nothing is to be recovered or discovered from the applicant, and the charge sheet will be filed shortly.

6. The record indicates that the FIR was registered on 1 February 2025 at the instance of the informant, who is the mother-in-law of the applicant. In the said FIR, it has been alleged that the applicant subjected the deceased husband to mental harassment and ill-treatment, purportedly over issues relating to property and financial matters. It is further alleged that such conduct caused the deceased considerable mental distress, which allegedly drew him to end his own life. The alleged incident of suicide is stated to have occurred on 18 December 2024. However, it is pertinent to note that the FIR was lodged after a considerable delay, on 1 February 2025. Upon a *prima facie* consideration of the contents of the FIR and the material placed before the Court, it appears that the allegations stem from matrimonial discord between the applicant-wife and the deceased. There is, at this juncture, no material to suggest a direct and proximate nexus between the alleged domestic quarrel and the deceased's decision to commit suicide.

7. The learned APP submits that the investigation is substantially complete, and that nothing is to be recovered or discovered from the applicant. The learned APP further informs the Court that the investigating agency is in the process of filing the final charge sheet.

8. Insofar as the apprehension of the prosecution with respect to tampering with evidence or influencing witnesses is concerned, the same can be taken care of by imposing appropriate conditions.

9. In view of the aforesaid circumstances and considering the stage of the investigation, this Court is inclined to grant relief of pre-arrest bail to the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.110 of 2025, registered at Yavat Police Station, Pune, she shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required until the filing of the charge sheet.

(iii) The applicant, herself or through any other person, shall not tamper with the evidence or influence witnesses.

10. The application stands disposed of accordingly.

(R.N. Laddha, J.)