

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

Anticipatory Bail Application No.1686 of 2025

Mukta Sharad Hiwale

Age: 44 yrs, Occ: housewife,

R/at Santoshimata Nagar,

Kalegaon, Tal-Yeola, Dist.Nashik,

Maharashtra.

... Applicant.

Versus

The State of Maharashtra

Through Sr Inspector of Ambad

Police Station, CR No.346 of 2025.

... Respondent.

Mr Vaibhav D Kadam a/w Mr Shrinath Badade and Mr
Mangesh Shinde for the applicant.

Mr Pankaj Deokar, APP, for the respondent/ State.

PSI Savita Unde, Ambad Police Station, Nashik city.

Coram: R.N. Laddha, J.

Date: 24 June 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.346 of 2025, registered at Ambad Police Station, Nashik, for the offence punishable under Sections 108 and 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that accused No.1, the

informant's nephew, was in a six-year relationship with the informant's daughter (the deceased) and had promised to marry her. While the informant approved of the match, accused No.1's parents opposed him. On 14 May 2025, the deceased learned via a family WhatsApp group that accused No.1's marriage was fixed with another girl. On 17 May, she met accused No.1 at home, where they expressed sorrow over the situation. He told her that his parents opposed their union due to family ties, and he later blocked her number and left with his parents. Distressed, the deceased called on 19 May but spoke to the applicant (accused No.1's mother), who had an inappropriate conversation with her. Later that day, the deceased committed suicide.

3. Mr Vaibhav Kadam, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence. He draw the Court's attention to the significant delay of six days in the registration of the FIR, emphasising that the alleged incident took place on 19 May 2025, whereas the complaint was lodged only on 26 May 2025. This delay, according to the learned Counsel, casts serious doubt on the veracity of the allegations. He further submits that there is no material on record to suggest that the applicant either abetted or instigated the deceased to take the extreme step of committed suicide.

The learned Counsel argues that none of the applicant's actions or omissions can be reasonable construed as having created circumstances so oppressive as to leave the deceased with no other option. Moreover, he points out that there are no specific allegations of harassment or ill treatment attributed to the applicant. The learned Counsel also asserts that the applicant, who is the mother of accused No.1, has been implicated merely by virtue of her relationship and not on the basis of any substantive material linking her to the commission of the alleged offence. He further submits that the applicant is willing to comply with any conditions that may be imposed by this Court.

4. At the outset, Mr Pankaj Deokar, the learned Additional Public Prosecutor representing the respondent/ State, on instructions from the investigating officer who is present in the Court, submits that the only significant recovery made thus far is that of a mobile phone from the co-accused. He clarifies that there is no further recovery pending from the applicant. He submits that, with this recovery, the investigation has reached an advance stage and is nearly complete. Mr Deokar also unequivocally states that in light of the present circumstances, the prosecution does not intend to seek custodial remand of the applicant.

5. Upon a careful perusal of the record, it appears that there is an unexplained delay of six days in lodging the present FIR. The alleged incident is stated to have occurred on 19 May 2025, whereas the FIR came to be registered only on 26 May 2025. The allegations levelled against the applicant primarily pertain to her purported opposition to the proposed marriage between the deceased and accused No.1, allegedly due to their familial relationship. It is alleged that a telephonic conversation took place between the applicant and the deceased, which is being relied upon by the prosecution to establish a link between the applicant's conduct and the subsequent suicide of the deceased. At this stage, however, there is no material on record that discloses a direct, immediate, or proximate nexus between the applicant's alleged conversation and the extreme step taken by the deceased. The casual connection remains speculative and unsupported by concrete evidence as of now. Furthermore, the investigation is stated to be at an advance stage, and there is no request from the prosecution for the custodial interrogation of the applicant. It is also not the prosecution's case that any recoveries or discoveries are to be effected from the applicant. These factors indicate that the applicant's custodial interrogation is not necessary. As regards the apprehension of the prosecution that the applicant may tamper with evidence or exert influence over witnesses, such concerns can be addressed

by imposition of suitable conditions.

6. In light of the above, and considering the nature of the allegation, the absence of any requirement for custodial interrogation, and the stage of 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.346 of 2025, registered at Ambad Police Station, Nashik, 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, herself or through any other person, shall not tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]