

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

Anticipatory Bail Application No. 2419 of 2025

Mamta Pawankumar Jaiswal
Age 24 years, Occ. Education,
Indian, R/at. Gajraj Building,
Flat No.101, Lane No.06,
Karve Nagar, Pune.

... Applicant

Versus

The State of Maharashtra
Through Kharghar Police Station.

...Respondent

Mr K H Holambe Patil a/w Mr K K Holambe Patil a/w Mr
Bhalchandra M Kumbhar a/w Mr Vishal Shirsat a/w Ms Divya
Kangane, for the Applicant.

Mr B B Kulkarni, APP, for Respondent / State.

API Milind Phadtare, Kharghar Police Station, Navi Mumbai, is
present.

Coram: R.N. Laddha, J.

Date: 4 September 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in
connection with CR No.325 of 2025, registered at Kharghar
Police Station, Navi Mumbai, for the offence punishable under
Section 108, 85 read with 3(5) of the Bharatiya Nyaya Sanhita
2023.

2. The FIR in this case was lodged by the father of the deceased. As per the FIR, the deceased faced harassment from the applicant, his mother and other relatives due to non-fulfilment of their illegal monetary demands which ultimately drew her to take her own life.

3. The learned Counsel appearing on behalf of the applicant, while asserting the applicant's innocence, contends that the applicant has been falsely implicated in the present crime. It is contended that the prosecution material does not disclose any act attributable to the applicant. The deceased's grievance, as evident from the record, was specifically directed against her mother-in-law and husband, and not against the applicant.

4. The learned Counsel further submits that the FIR is vague and rests on general and omnibus allegations without reference to any specific act or incident that could satisfy the legal requirements of an offence under Section 108 of the BNS. It is emphasised that during her lifetime, the deceased never raised any such grievance or made any accusation against the applicant, either before the authorities or to any individual. Attention is also invited to the fact that the FIR was lodged on 2 August 2025, after an unexplained delay of four days from the date of the incident. Such inordinate delay, according to the

learned Counsel, undermines the credibility and spontaneity of the FIR. Moreover, the allegations therein are vague, general, and lacking in any proximate act of instigation, encouragement, or active participation that could amount to abetment of suicide under the law.

5. It is further submitted that there is no material on record to suggest that the applicant's conduct was so coercive, cruel, or oppressive to the extent of driving the deceased to commit suicide. Additionally, the applicant has no criminal antecedents and is willing to cooperate with the investigation.

6. The learned APP representing respondent/ State, opposing the applicant's request for bail, contends that the offence is of a grave and serious nature, striking at the very fabric of societal order. The learned APP submits that the applicant's conduct was instrumental in subjecting the deceased to sustain mental as well as physical harassment, the cumulative effect of which drew her to the extreme step of ending her life. It is, thus, urged that the gravity of the offence, coupled with the role attributed to the applicant, disentitles her to the discretionary relief of pre-arrest bail.

7. In the present case, upon a *prima facie* appraisal of the material available on record, there is no indication that the

applicant committed any overt act or culpable omission at the relevant point of time which could reasonably be construed as having instigated, incited, abetted, or otherwise compelled the deceased to resort to the extreme measure of taking her own life. The record does not disclose any conduct on the part of the applicant that was so persistent, coercive, harassing, or oppressive in nature as to leave the deceased without any reasonable or viable alternative, thereby driving her to commit suicide.

8. Further, there is an absence of any material to demonstrate that, prior to the unfortunate incident, the deceased had raised any complaint, grievance ,or protest-whether in formal proceedings or informally-against the applicant. No incriminating recovery or discovery is either pending or contemplated from the applicant, and the investigation, for all intends and purposes, appear to have been substantially concluded.

9. The apprehensions expressed by the prosecution with respect to the possibility of applicant tampering with the evidence or attempting to influence witnesses remain speculative, lacking substantive basis. Such concerns, in any event, can be effectively addressed and mitigated through the imposition of appropriate conditions.

10. In light of the foregoing considerations and the absence of any incriminating material against the present applicant, this Court finds it appropriate to allow the application. Accordingly, following order is passed:

ORDER

(i) In the event of the applicant's arrest in CR No.325 of 2025, registered at Kharghar Police Station, Navi Mumbai, 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.

(iii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.

11. The application stands disposed of accordingly.

[R.N. Laddha, J.]