



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.83 OF 2025

Alekh s/o Chandrashekhar Shendre and another
Vs.

State of Maharashtra, through Police Station Officer, Mankapur Police
Station, District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Tiwari, Counsel with S. R. Kumbhalkar, Counsel for the
applicants.

Mr. Anant Ghogare, APP for the non-applicant No.1/State.

Ms. Parita N. Lakhani, Counsel for the complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/02/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.39/2025 registered with Police Station Mankapur, District Nagpur for the offences punishable under Sections 109, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Prajakta Alekh Shendre, who is the wife of the applicant No.1 and daughter-in-law of the applicant No.2. As per her allegation, her marriage was performed with the applicant No.1 on 25.12.2024, and after marriage, she was ill-treated by the present applicants and other family members.

The applicant No.1 was addicted to bad vices and under the influence of liquor, he used to beat her, ill-treat her, and therefore, she constrained to leave the matrimonial house in June 2024. Thereafter, she again resumed the cohabitation at the house of the present applicant No.1, but she was not treated well and she was abused. On 23.01.2025 at about 8.00 a.m. her husband came in her bedroom and asked to pack her bag and thereafter, the applicant No.2 brought one black colour bag and from that bag the applicant No.1 has picked up one plastic bottle and poured the petrol on her person, and thereafter attempted to set her on fire. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that with the false allegations, the applicants are implicated in the alleged offence. As far as the custodial interrogation is concerned, which is not required. As the informant was not willing to stay at the matrimonial house, therefore this FIR is lodged. In view of that, the applicants be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application on the ground that there was an attempt to commit the murder of the complainant. The marriage is performed recently in the year 2024. Within seven years of marriage, she was subjected for the

ill-treatment and driven out of the house. Considering all these aspects, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the role attributed to the applicant No.2 is only to the extent of bringing the bag. As far as pouring of petrol is concerned, which is allegation against the applicant No.1 and other co-accused, who is already released on bail. Considering the role of the applicant No.1, admittedly, it is not a case of releasing him on anticipatory bail. But considering the role of the applicant No.2, she has made out a case for grant of anticipatory bail. In view of that, I proceed to pass following order:

ORDER

(i) The application is partly allowed.

(ii) In the event of arrest, in connection with Crime No.39/2025 registered with Police Station Mankapur, District Nagpur for the offences punishable under Sections 109, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant No.2 **Vandana w/o Chandrashekhar Shendre** shall be released on anticipatory bail on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

(iii) The prayer of the applicant No.1 for grant of anticipatory bail is hereby rejected.

(iv) The applicant No.2 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant No.2 shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)