



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.105 OF 2025

(Mr. Amit s/o Shyamkumar Vajani and anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.A. Abhyankar, Advocate for the applicants.
Mr. M.K. Pathan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 28, 2025

Apprehending the arrest at the hands of police in connection with Crime No.68/2025 registered with Police Station Lakadganj, Nagpur, District Nagpur for the offences punishable under Sections 3(5), 85 and 108 of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by Murlidhar Mannulal Gupta who is the father of the deceased Shradha Amit Vajani on an allegation that the marriage of his daughter was performed with the applicant No.1 prior to 25 years; however, said marriage was not accepted by the family members of applicant No.1. The deceased and applicant No.1 have begotten two sons from the said wedlock. Several meetings were held as the deceased was ill-treated by the present applicants. It is further alleged that the mother of applicant No.1 has

executed a Will in favour of applicant No.2 and thereafter, the deceased was ill-treated on the count that she should leave the house, and therefore, she has committed suicide. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that there is no nexus between the two incidents that execution of Will and thereafter the committal of the suicide. There is no nexus or there is no specific material on record to show that the abetment was there and the type of the abetment was such there was no alternate before the deceased but to commit the suicide, and therefore, the offence under Section 108 and 85 of the BNS, 2023 is attracted against the present applicants. Their custodial interrogation is not required, and therefore, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that before the death of the deceased, her dying declaration was recorded wherein she specifically alleged as to her ill-treatment. The investigation is still in progress, at this stage, the custodial interrogation of the applicants is required, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that as far as applicant No.2 is concerned there is general allegation levelled against her and the nature of the allegation is that as the Will is executed by the mother-in-law of the deceased in favour of applicant No.2, the dispute started between them and she has asked the deceased to leave the house. But as far as applicant No.1 is concerned there is specific allegation that he has ill-treated her physically and mentally, and therefore, there was no alternate before her but to commit suicide, and therefore, she attempted to commit suicide. Thus, at this stage, the statement of the deceased before her death when she was on a death bed assumes importance, and therefore, considering the same, there is a *prima facie* material against applicant No.1. As far as applicant No.2 is concerned her custodial interrogation is not required as general allegation is levelled against her, and therefore, the application deserves to be partly allowed. Accordingly, I proceed to pass following order:

(i) The application is partly allowed.

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

(iii) In the event of arrest, applicant No.2 – Ms Aarti D/o Shyamkumar Vajani in connection with Crime No.68/2025 registered

with Police Station Lakadganj, Nagpur, District Nagpur for the offences punishable under Sections 3(5), 85 and 108 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iv) The applicant No.2 shall attend the concerned police station as and when required for the investigation purpose on issuance of notice in advance of 7 days by the Investigating Officer and she shall cooperate with the investigating agency.

(v) The applicant No.2 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)