



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

CRIMINAL APPLICATION (ABA) NO.131 OF 2025

Rajal w/o Mohit Ved

Vs.

The State of Maharashtra thr. P.S.O., Beltarodi Police Station, Nagpur

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

Court's or Judge's orders

Shri Rajnish Vyas, Counsel for the applicant
Shri N.B. Jawade, APP for non-applicant/State

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/03/2025

1. By this second application the present applicant is seeking anticipatory bail, in the event of her arrest, in connection with Crime No.88/2023 registered with Police Station, Beltarodi District Nagpur for the offence punishable under Section 306 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of Beltarodi Police Station on an allegation that she owns and runs a Travel and Tourism Agency namely, 'NC Travels'. The applicant got acquaintance with the deceased and had convinced him to invest in her business. Till date the deceased, his friends, and relatives have collectively invested about Rs.70 to 80 lakhs in the business of the applicant. It is further alleged that, on 15/2/2023, the applicant had called the deceased and informed him that one person named Khandelwal had lodged FIR against her at Police

Station Sadar, Nagpur, thereby alleging fraud and embezzlement and therefore, she was in need of Rs. 1 Lakh towards the lawyers' Fees and other procedure so as to secure herself from the said report. The deceased tried to arrange the funds by all ends possible. However, he could not arrange it. Thereafter, on 28/02/2023, the deceased has consumed a poisonous substance, which caused his death.

3. Heard learned counsel for the applicant, who submitted that from the recitals of the FIR, nowhere it reveals that she has aided or instigated the deceased to commit suicide. Therefore, the ingredients of Section 107 of the Indian Penal Code are not attracted and there is no material to show that the present applicant has abetted the deceased to commit suicide. He also invited my attention towards the order of the Apex Court and submitted that after the Apex Court has protected the present applicant by way of interim order, she had attended the police station approximately for the sixty days and cooperated with the investigating agency. As far as her custodial interrogation is concerned, the same is not required. In view of that she may be released on bail. He further submits that as far as the proclamation is concerned the Hon'ble Apex Court recently in *Asha Dubey .v/s. The State of Madhya Pradesh* in Criminal Appeal No.4564 of 2024 observed that there is a complete embargo to consider the application for grant of anticipatory bail though the proceeding is initiated

under Section 82 of the Code of Criminal Procedure. He further submitted that from the entire investigation papers, it nowhere reveals that the arrest of the present applicant is required. For all these grounds, the applicant may be released on bail.

4. Learned APP strongly opposed the present application and submitted that firstly the application is not maintainable as the applicant was absconding. He further submitted that there is no change in circumstances as after considering the fact that the order of this Court, as to the rejection of the application, is maintained by the Hon'ble Apex Court no ground is made out by the present applicant for the grant of anticipatory bail.

5. After hearing both sides and on perusal of the investigation papers, it appears that, the SDR and CDR of the mobile phone of the present applicant and mobile phone of the deceased were collected. From the SDR and CDR reports it revealed that there were continuous calls from the present applicant to the deceased and she was demanding Rs.1,00,000/-. The SDR and CDR reports further show that the present applicant had asked for Rs.1,00,000/- and was giving threats that she is unable to refund Rs.80,00,000/-, which is invested by the deceased. The dead-body of the deceased was sent for the postmortem examination. The investigating agency seized one suicidal note, wherein *prima facie* involvement of the present

applicant in the commission of the crime is revealed. The CDR and SDR reports show the continuous threats from the present applicant to the deceased, which forced him to commit the suicide. During the course of investigation, the investigating officer has also recorded the various statements. Some of the investors have also filed the intervention application in the present application and made their grievance regarding the amount invested with the present applicant and that they have not received any return from the said invested amount. During the investigation, the investigating officer has also seized the detailed suicide note written by the deceased which indicates that the deceased was under pressure of paying the said amount and he specifically mentioned that the present applicant is responsible for his death. He has also mentioned about the torture at the hands of the present applicant and requested to take strict action against the applicant. Thus, it is not only the allegation of the abetment but the acts of the present applicant are also mentioned in the said suicidal note.

6. Undisputedly, in order to establish the offence under Section 306 of IPC, the essential ingredients to constitute abetment have to be made out. In this factual aspect, whether the act of the applicant could be construed as sufficient abetment to the deceased at the hands of the present applicant, is to be decided. It reveals that there are specific allegations

against the applicant. During the communication, the present applicant demanded money from the deceased and harassed him, due to which he has committed suicide. The transcription of their telephonic communication is also on record from which *prima facie* it appears that due to the unbearable harassment, the deceased was under pressure and therefore, he committed suicide.

7. Therefore, the *prima facie* material on record is sufficient to indicate the involvement of the present applicant. As far as the cooperation with the investigating agency is concerned, though some extracts from the diaries are placed on record by the present applicant to show that she has attended the police station, but the general diary entries taken by the investigating agency and panchanama drawn by the investigating agency show that whenever the investigating agency tried to approach the applicant for investigation purpose she was not found at her house. The general diary entries also show that on various occasions the investigating agency has visited the house of the present applicant. Thus, the said general diary entries are sufficient to show that there was non-cooperation at the hands of the present applicant. The Hon'ble Apex Court has also considered all these aspects and shown disinclination to interfere with the order of this Court and specifically observed that "We are not inclined to interfere with the impugned order

passed by the High Court'. As far as change of circumstances is concerned, there is nothing on record to show that after rejection of the application, the investigation is completed and thus, there is change in the circumstances. Thus, considering the entire scenario in which the alleged incident has taken place and the manner in which the deceased was harassed as there was no alternative before the deceased but to commit suicide, the application deserves to be rejected.

8. In view of the above findings, I am not inclined to grant anticipatory bail. Hence, the criminal application deserves to be rejected. Accordingly, Criminal Application is rejected.

(URMILA JOSHI-PHALKE, J.)