



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

CRIMINAL APPLICATION (BA) NO.317 OF 2025

Mr. Amit s/o Shyamkumar Vajani
Vs.

The State of Maharashtra, through Police Station Officer, Police Station
Lakadganj, Nagpur

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

Court's or Judge's orders

Mr. P.A. Abhyankar, Counsel for the applicant.
Mr. Anant Ghogare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/04/2025

1. Heard.
2. By this application the applicant is seeking for grant of bail as he came to be arrested on 01.03.2025 in connection with Crime No.68/2025 registered with Police Station, Lakadganj District Nagpur for the offences punishable under Sections 3(5), 85 and 108 of the Bharatiya Nyaya Sanhita, 2023.
3. The crime is registered on the basis of the report lodged by Murlidhar s/o Mannulal Gupta who is father of the deceased i.e. Shradha Amit Vajani on an allegation that the marriage of his daughter was performed with present applicant prior to 25 years; however, said marriage was not accepted by the

family members of the present applicant. The deceased and the present applicant have begotten two sons from the said wedlock. Several meetings were held as the deceased was ill-treated by the present applicant and other co-accused. It is further alleged that the mother of the present applicant has executed a Will in favour of the her daughter i.e. Ms Arati Shyamkumar Vajani 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, the police have registered the crime against the present applicant.

4. Learned counsel for the applicant who submitted that there is no nexus between the two incidents that the execution of Will and thereafter committal of the suicide. As far as the allegations of dying declaration is concerned which are general in nature. He further submitted that the nexus is not established from the investigation also as to the abetment at the hands of the present applicant. He submitted that now investigation is practically completed and his further incarceration is not required.

5. Learned APP for the State strongly opposes the application on the ground that from the dying declaration the involvement of the present

applicant is revealed. Therefore, learned APP prays for rejection of the application.

6. After hearing both sides and on perusal of investigation papers, it reveals that the allegation against the present applicant is that after the marriage she has ill-treated by the applicant. However, to save the marriage she stayed at the house of the present applicant. Thereafter she begotten two children from the said wedlock. However, there was no change in the behaviour of the present applicant. The mother of the present applicant executed the Will in favor of the her daughter i.e. Aarti Shyamkumar Vajani and thereafter she was ill-treated in the similar manner. On the basis of the said dying declaration police have registered the crime under Section 306 of the I.P.C. From the said dying declaration it reveals that the general allegation is levelled against the present applicant as to the abetment and the physical and mental cruelty. Whether there was an abetment in view of section 107 of the IPC and which was sufficient to try the woman to commit the suicide is a matter of evidence. At this stage, considering that the investigation is completed further incarceration of the applicant is not required and application deserves to be allowed.

7. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant-**Mr. Amit s/o Shyamkumar Vajani** shall be released on bail connection in connection with Crime No.68/2025 registered with Police Station, Lakadganj District Nagpur for the offences punishable under Sections 3(5), 85 and 108 of the Bharatiya Nyaya Sanhita, 2023. on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station as and when required for the investigation purpose on issuance of notice in advance of seven days by the investigating officer and he shall cooperate with investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)