



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

CRIMINAL APPLICATION (ABA) NO. 411 OF 2025

Kiran Vijay Solanke @ Kiran d/o Sanjay Tikar and another 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. N.B. Kalwaghe, counsel for applicants.

Ms. H.N.Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/06/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.328/2025 registered with Police Station Buldhana, District Buldhana for the offence punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of anticipatory bail.

2. The crime is registered on the basis of a report lodged by the mother of the deceased on an allegation that the marriage of her son was performed with applicant No. 1, but there was a matrimonial dispute between them, and therefore, the marriage is dissolved. After dissolution of marriage, applicant No.1 performed the marriage with applicant No. 2, and they used to threaten the deceased, and therefore, the deceased committed suicide by hanging herself. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that a dissolution of marriage decree was passed between applicant No.1 and the deceased, and thereafter applicant No. 1 performed the marriage. As far as the allegations are concerned, they are general in nature. The custodial interrogation of the present applicants is not concerned. He is ready to cooperate with the investigating agency, and there is no nexus between the two incidents, i.e., the abetment and the committal of suicide by the deceased. In view of that, the interim protection granted to the present applicants deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that the mobile phone of the present applicants as well as the specimen signature of the present applicants is to be obtained, and therefore, the custodial interrogation is required.

5. On hearing both sides and on perusal of the recitals of the FIR as well as the investigation papers, it reveals that general allegations are levelled against both the applicants. There is no dispute as to the fact that initially applicant no. 1 was married with the deceased, but the marriage was dissolved by the decree of divorce, and thereafter, applicant no. 1 performed the marriage with applicant no. 2. As far as the allegations regarding the abetment are general in nature, there appears to be no direct nexus between the alleged abetment and the suicide committed by the deceased. However, the investigation is still in progress, at

this stage, it would not be appropriate to discuss the merits of the case. At this stage, admittedly, the custodial interrogation of the present applicants is not required. As far as the seizure of the mobile phone and the specimen signature is concerned, which can be taken care of by imposing certain conditions on the present applicants, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The interim protection granted to the present applicants by order dated 11/06/2025 is hereby confirmed on the condition that the applicants shall attend the concerned police station once in a week on every Monday between 10.00 AM to 1.00 PM and shall cooperate with the investigating agency.
- c] The applicants shall produce their mobile phones before the investigating officer, and this period will be considered as their custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.
- d] The applicants shall cooperate and also give a specimen signature before the investigating officer.

- e] The applicants shall not enter into the vicinity of Shivaji Nagar, Junagaon, Buldhana till further orders.
- f] The applicants shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- g] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case, either personally or by way of electronic media.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]