



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

CRIMINAL APPLICATION (ABA) NO.418/2025

Smt. Manisha w/o Raju Musal

Vs.

The State of Maharashtra through P.S.O., Police Station Kelwad, Dist Nagpur Rural

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

Court's or Judge's orders

Shri Piyush Rewatkar, Advocate for applicant
Shri N.R. Rode, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03.07.2025

Apprehending the arrest at the hands of police in connection with Crime No.184/2025 registered with Police Station Kelwad, District Nagpur Rural, for the offence punishable under Sections 3(5), 108 of the Bhartiya Nyay Sanhita (BNS) Act, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that an FIR was lodged against the present applicant on the basis of a report lodged by brother of the deceased, on an allegation that on 19.04.2025, deceased has committed suicide by hanging himself in the agricultural field. One suicide note was found with him, wherein it is held that he was having love affair with the present applicant, and he has incurred the expenses on her, but she is alleging falsely against him, and defaming his parents as well as the applicants, and therefore, he has committed suicide. On the basis of the said report, police have registered

the crime. He submitted that there is no nexus between the suicide of the deceased and the abetment allegedly at the hands of the present applicant. In order to constitute an abetment, the abettor must be shown to have intentionally aided in the commission of crime. The mere allegation that she abetted the deceased to commit suicide is not sufficient.

3. Learned APP strongly opposed the said application and submitted that out of love affair, there was constant harassment to the deceased and there was no alternate before the deceased but to commit the suicide. Therefore, the custodial interrogation is required.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals that only allegation against the present applicant is that there was a love affair between her and the deceased. To attract the offence, there has to be instigation by any person to abet the doing of the said things or engaging any other person or entering to the conspiracy to abet the person. Mere allegation is not sufficient to attract the provisions. Thus, in order to constitute an abetment, the abettor must be shown to have intentionally aided or instigated the person who has committed the suicide. In view of that the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant- **Smt. Manisha w/o Raju Musal**, in connection with Crime No.184/2025 registered with Police Station Kelwad, District Nagpur Rural for the offence punishable under Sections 3(5), 108 of the Bhartiya Nyay Sanhita (BNS) Act, 2023, is confirmed on the condition that the applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall co-operate with the investigating agency.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

R.S. Sahare