



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

CRIMINAL APPLICATION (APPLN.) NO. 91 OF 2024

XYZ

.Vs.

State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr A. P. Deshpande, Advocate for the applicant
Mr N. S. Rao, APP for the non-applicant No.1/State
Ms Parita N. Lakhani, Advocate for non-applicant No.2

CORAM : RAJNISH R. VYAS, J.

DATED : OCTOBER 09, 2025.

Heard learned counsel for the respective parties.

2. This is an application preferred by the original informant for cancellation of bail granted to the non-applicant No.2/original accused.

3. In short, it is the case of the prosecution that deceased was having love affair with non-applicant No.2. The non-applicant No.2, under the pretext of performing marriage, committed sexual intercourse with the deceased. The non-applicant No. 2 further refused to perform marriage though, he had promised the deceased that he would enter into wed-lock. This resulted into an attempt to commit suicide by deceased on 21.04.2024 by consuming poison. As the health of the deceased/victim deteriorated, she was admitted in the hospital from 21.04.2024 till 07.06.2024. On

07.06.2024, she wrote suicide note in the hospital and unfortunately died on the same day.

4. On 08.06.2024, FIR No. 257 of 2024 for commission of offences punishable under Sections 306, 376, 376(2) and 417 of the Indian Penal Code was registered against the non-applicant No.2.

5. After the registration of FIR, the application for grant of regular bail was preferred by the non-applicant No.2, since he was taken into custody on 23.06.2024. The non-applicant No.2 was also remanded to police custody till 26.06.2024.

6. On 22.07.2024, the Additional Sessions Judge, Amravati allowed the bail application of the non-applicant No.2, considering the fact that the deceased was under medical treatment from 21.04.2024 till 07.06.2024 but no attempt was made by the investigating officer to record her statement.

7. In the aforesaid background, the learned counsel for the applicant stated that there was material before the Court, which was not taken into consideration and bail was wrongly granted. According to him, custody of the applicant is very much required and there is also *prima facie* case against the non-applicant No.2/accused.

8. *Per contra*, learned APP has supported the contention of the learned counsel for the applicant.

9. Learned counsel Ms Parita Lakhani for non-applicant No. 2 has argued that the Court while granting bail has taken into consideration various facts including the fact that the accused was remanded to police custody for three days.

10. With the help of counsel, I have perused the record. From the record it is clear that, at the time of commission of suicide, the deceased was major. There was love affair between the parties. The deceased attempted to commit suicide on 21.04.2024 and was admitted in hospital till 07.06.2024. On 07.06.2024, she wrote a suicide note and unfortunately, died on 07.06.2024 itself. The FIR of the incident was registered on 08.06.2024.

11. I have also gone through the suicide note allegedly written by the deceased. At this stage it would not be proper to comment upon the suicide note considering the fact that the trial is pending.

12. Suffice it to say that, it may be a case of emotional outburst. The factors for cancellation of bail and grant of bail are totally different. No case is made out by the applicant, which requires interference at the hands of this Court.

13. Accordingly, the application for cancellation of bail is thus **rejected**.

[RAJNISH R. VYAS, J]