



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

**CRIMINAL APPLICATION (BA) NO.882 OF 2025**  
(Swapnil s/o Subhash Kathane and anr. Vs. State of Maharashtra)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Mr. D.V. Mahajan, Advocate a/w Mr. A.T. Sheikh, Advocate for the applicants.  
Mrs. H.N. Prabhu, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- AUGUST 25, 2025.**

By this application, the applicants are seeking bail as they came to be arrested on 30/04/2025 in connection with Crime No.77/2025 registered with Police Station Benoda, District Amravati for the offences punishable under Sections 108, 115(2), 352, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Applicant No.1 is the husband and applicant No.2 is the father-in-law of the deceased. The crime is registered on the basis of report lodged by the father of the deceased on an allegation that the marriage of his daughter was performed with applicant No.1 on 20/05/2022. After marriage, she resumed the cohabitation and was staying with applicant No.2 and other family members. It is alleged that his daughter did not conceive, and therefore, she was harassed by the present applicants and when the daughter was born she was harassed for having a male child. She was also ill-treated for the illegal demands and due to the continuous ill-treatment she has committed suicide by

hanging herself. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicant submitted that as far as the allegation of the ill-treatment is concerned which are general in nature. It is in the nature of wear and tear. As far as applicant No.2 is concerned general allegation is levelled against him. Though it is stated that applicant No.1 has used to assault her or beat her but no specific instances are narrated. There is no proximity between the two acts i.e. ill-treatment and the committal of the suicide by the deceased. Now, investigation is already completed, charge-sheet is filed, further incarceration of the applicants is not required.

4. Learned APP strongly opposed the application on the ground that the death of the deceased is occurred within 7 years of marriage. She was ill-treated continuously which resulted into her death, and therefore, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers as far as the allegations are concerned which is substantiated by the statements of the witnesses. At this stage, it would not be proper to comment on the nature of the evidence which is collected during the investigation but considering the fact that now investigation is already completed, charge-sheet is filed and the trial would take its own time for its final disposal. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the

following order:

- (i) The application is allowed.
  - (ii) The applicants – 1) Swapnil s/o Subhash Kathane and 2) Subhash Champat Kathane in connection with Crime No.77/2025 registered with Police Station Benoda, District Amravati for the offences punishable under Sections 108, 115(2), 352, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.
  - (iii) The applicants shall not enter into the vicinity of village Umarkhed, Taluka, Morshi, District Amravati till the culmination of the trial.
  - (iv) The applicants shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
  - (v) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
6. The application stands disposed of.

**(URMILA JOSHI-PHALKE, J.)**