



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

CRIMINAL APPLICATION (ABA) NO.602 OF 2025

Ujwala w/o Arun Aochar

Vs.

State of Maharashtra, through Police Station Officer, Nandura,
District Buldhana

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

Court's or Judge's orders

Mr. M. V. Rai, Counsel for the applicant.

Ms. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/08/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.376/2025 registered with Police Station Nandura, District Buldhana for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by the informant Kashiram Ratan Jadhav on an allegation that the present applicant has visited the house of the deceased and the deceased was threatened that she will defame him and therefore, he was having an apprehension of defamation. He committed suicide by pouring petrol

on his person and on that basis the crime is registered against the present applicant.

3. Learned Counsel for the applicant submitted that even accepting the allegation as it is, which is not sufficient to ascertain that there was an abetment at the hands of the present applicant to commit suicide. There has to be the proximity between the two acts i.e. abetment and the commission of the suicide. Mere visit of the present applicant even if accepted, is not sufficient to say that the present applicant has abetted the deceased to commit suicide. As far as the custodial interrogation of the present applicant is concerned, which is not required. In view of that, she be released on anticipatory bail.

4. Learned APP strongly opposed for the same and submitted that considering the deceased has committed suicide as he was threatened by the present applicant that she will defame him and therefore, he was having apprehension of defamation and therefore, he committed suicide, and therefore the custodial interrogation is required.

5. On hearing both sides and on perusal of the recitals of the FIR, at this stage, immediate custodial interrogation of the present applicant is not required. Whether only visit of the present applicant would amount to abetment of suicide can be ascertained from the investigation papers. The

investigation papers show that the dying declaration of the deceased was recorded. Even accepting the dying declaration as it is, at this stage, the case of the abetment is not made out. It is a settled law that even accepting the allegation as it is, if there is no proximity between the act of abetment and committal of the suicide and overt act which is to be attributed to the applicant to ascertain that there was an abetment to commit suicide. After going through the investigation papers, the above said facts appears to be absent. However, at this stage, it would not be appropriate to comment on the merit of the matter. At this stage, immediate custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant **Ujwala w/o Arun Aochar** shall be released on anticipatory bail, in connection with Crime No.376/2025 registered with Police Station Nandura, District Buldhana for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(4)

944.aba.602.2025

(vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate