



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

CRIMINAL APPLICATION(ABA) NO. 667 OF 2025

Ashok Shivdas Rathod and anr Vs. State of Maharashtra and anr.

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

Mr. Dhruv Sirpurkar h/f Mr. Sangram Sirpurkar, counsel for the
applicant.
Mr. Anant Ghogare, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 29/09/2025

1. The applicants are apprehending their arrest in Crime No.182 of 2025, for the offences punishable under Sections 108, 3(5), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 registered at Police Station Hivarkhed District Buldhana.

2. The husband of the first informant has committed suicide on 08.08.2025. It is alleged that because of mental and physical torture of the accused persons, he had committed suicide on 17.06.2025 and the complaint is lodged on 08.08.2025. After receiving the video recording in the mobile of the deceased, the wife of the deceased has lodged the complaint.

3. The learned counsel appearing for the applicants has stated that the applicant is step mother of the deceased. After the death

of the deceased, the accused No.1 i.e. father of the deceased has executed the gift deed in favour of his son. As the first informant was asking for more amount and it was not possible for them, the crime is registered against all the accused persons who are father, mother and step brother of the deceased.

4. The learned counsel appearing for the applicants has stated that there is delay in lodging the FIR. If there would be any harassment or ill treatment to the deceased, she would have lodged the complaint against the family members at the earlier stage, but nothing is there, no offence is registered till lodging of FIR. Hence prayed to confirm the earlier protection granted by this Court.

5. Learned APP opposed the application stating that on receipt of video recording, the complaint is lodged. Because of the harassment, the deceased has committed suicide and therefore custodial interrogation of these applicants, is necessary. Hence, prayed to reject the application.

6. Heard the learned counsel appearing for the applicants and the learned APP.

7. On going through the statement of Sangita Rathod, the informant, it appears that she has mentioned the contents in the video clip. It reveals that he has stated in the said recording that his father has not done anything for him and due to torture from these applicants, he has committed suicide. Considering the

contents in the video recording, and as after the death, gift deed is executed in favour of the son of the deceased, no *prima facie* case is made out against the applicants to keep them in jail during trial. Hence interim protection granted earlier is confirmed on the same terms and conditions.

8. Hence, the following order-

- i] The application is allowed.
- ii] The order dated 08.09.2025 granting ad-interim anticipatory bail is confirmed.
- iii] The applicants shall attend the concerned police station as and when called by the investigating officer.
- iv] The application stands **disposed of**.

JUDGE