



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

**CRIMINAL APPLICATION (ABA) NO. 486 OF 2025**

( Farzana Khatun Shamsher Khan

**Vs.**

State of Maharashtra, Thr. PSO, Police Station Old City, Akola & Anr. )

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. S.V. Sirpurkar, Advocate a/w Ms. G.S. Jain, Advocate for the Applicant.  
Mr. V.A. Thakare, APP for the Non-applicant No.1/State.

**CORAM: URMILA JOSHI-PHALKE, J.**

**DATED : 7<sup>th</sup> JULY, 2025**

1. Apprehending the arrest at the hands of Police in connection with Crime No.399/2025 registered with Police Station Old City, Akola for the offences punishable under Sections 107, 85, 103(1), 64, 351(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 9, 10, 11 and 15 of the Prohibition of Child Marriage Act, 2006 and Sections 4, 17 of Protection of Children from Sexual Offences Act, 2012 read with Section 75 of Juvenile Justice (Care and Protection) Act, 2000, the Applicant approached to this Court for grant of pre arrest bail.

2. The Applicant is the mother-in-law of the deceased. As per the allegation the son of the present Applicant and the deceased performed the marriage on 17.02.2025 and thereafter the deceased resumed the cohabitation at the house of the present Applicant and other co-accused. It is alleged that, the deceased was subjected for

ill-treatment at the hands of the present Applicant as well as the other co-accused, and therefore, she fed up and she committed suicide.

3. Learned Counsel for the Applicant, submitted that considering the allegation as it is no offence of abetment is made out against the present Applicant and there is no specific allegation against her.

4. *Per contra*, learned APP, strongly opposed the same on the ground that the Applicant and the deceased were residing together only for the purpose of sleeping they were residing in a different room. The deceased was died due to strangulation and there is specific allegation against the present Applicant. In view of that, the prayer for grant of ad interim protection deserves to be rejected.

5. On hearing both the sides and on perusal of the recitals of the FIR, it reveals that, as per the allegation the Applicant said to have abetted the commission of suicide. The law is settled as to the abetment of suicide that there must be an active role by the concerned and an act of instigating or by doing certain act to facilitate the commission of the suicide. Mere harassment without any positive action on the part of accused proximate to the time of occurrence which led to the suicide would not amount to an offence under Section 306 of IPC and now 107 of BNS. Considering the recitals of the FIR, at this stage no specific allegation is levelled against the present Applicant to show that she has abetted the deceased to commit suicide, and therefore, immediate custodial

interrogation of the present Applicant is not required. In view of that, the prayer for grant of ad interim protection deserves to be allowed. Accordingly, I proceed to pass the following order:

### **ORDER**

- i. In the event of the arrest, the Applicant-Farzana Khatun Shamsheer Khan in connection with Crime No.399/2025 registered with Police Station Old City, Akola for the offences punishable under Sections 107, 85, 103(1), 64, 351(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 9, 10, 11 and 15 of the Prohibition of Child Marriage Act, 2006 and Sections 4, 17 of Protection of Children from Sexual Offences Act, 2012 read with Section 75 of Juvenile Justice (Care and Protection) Act, 2000, be released on *ad-interim* anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- ii. The Applicant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. and 01.00 p.m. and shall cooperate with the investigating agency.
- iii. The Applicant 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. Issue notice to the Non-applicant No.2, returnable after two weeks.

(URMILA JOSHI-PHALKE, J.)

*SD. Bhimte*