



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

CRIMINAL APPLICATION (ABA) NO. 528 OF 2025

Niraj s/o Vijay Kinekar Vs State of Maharashtra

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.S. Taram, counsel for applicant.
Mr. V.A.Thakre, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JULY, 2025

1. Apprehending the arrest at the hands of police in connection with Crime No. 390/2025 registered with Police Station Immamwada, District Nagpur City, for the offence punishable under Section 108 of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that there was a relationship between the present applicant and the deceased, and subsequently, the said relationship was broken, and the applicant has performed the marriage with another girl. Therefore, the deceased was under pressure, and she committed suicide. Therefore, the applicant is arraigned as an accused in the present crime. He submitted that even considering recitals of the FIR as it is, no abetment is made at the hands of the present applicant, his custodial interrogation is not required. In view of that, he be released on ad-interim anticipatory bail.

3. Learned APP strongly opposed the said application on the ground that, considering the recitals of the FIR, which shows that initially the applicant was having a relationship with the deceased, and subsequently he performed the marriage with another girl, due to which the deceased got frustrated, and the present applicant has also promised her for marriage and not married her, and therefore, she committed suicide. Thus, there was an abetment at the hands of the present applicant. In view of that, prayer for grant of ad-interim protection deserves to be rejected.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals that the deceased and the present applicant was having a relationship for the last eight years. Subsequently, the present applicant has performed the marriage, and being frustrated, the deceased has committed suicide. It is well settled that in order to constitute abetment, the abettor must be shown to have intentionally aided the commission of the crime. He has proved that the crime charge would not have been committed without the interposition of the alleged abettor, which is not enough compliance with the requirement of Section 107 of IPC. In view of that, immediate custodial interrogation is not required, therefore, the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Issue notice to the non-applicant, returnable after **two weeks**.

- b] Learned APP waives service of notice on behalf of non-applicant/State and seeks time to file reply.
- c] In the event of arrest, the applicant- ***Niraj s/o Vijay Kinekar*** shall released on ad-interim anticipatory bail in connection with Crime No. 390/2025 registered with Police Station Immamwada, District Nagpur City for the offence punishable under Section 108 of the Bhartiya Nyaya Sanhita, 2023, on execution P.R. bond of Rs.25,000/- with one solvent surety in the like amount.
- d] The applicant shall attend the concerned Police Station once in a week on Sunday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- f] The applicant shall not enter into the jurisdiction of Imamwada Police Station except attending the police station for investigation purpose.

(URMILA JOSHI-PHALKE, J.)