



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 : 31/07/2025

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 relationship was broken, and the applicant has performed the marriage with another girl. Therefore, the deceased was under pressure, and she committed suicide, and the applicant was 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, he cooperated with the investigating agency.

3. Learned APP strongly opposed the said application on the ground that, considering the recitals of the FIR, which shows that initially the applicant has developed the relationship with the deceased, and subsequently he performed the marriage with another girl, which drive the deceased to commit suicide. Therefore, custodial interrogation of the present applicant is required, considering there was an abetment at the hands of present applicant.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals that the deceased and the present applicant were 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, in view of that, at this stage, the custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is **allowed**.
- b] The interim protection granted to the present applicant by order dated 16/07/2025 is hereby confirmed.
- c] 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 till filing of the charge-sheet.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant shall not enter into the jurisdiction of Imamwada Police Station except attending the police station for investigation purpose.

Criminal Application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)