



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

CRIMINAL APPLICATION (ABA) NO.771/2025

(Anil Sampat Khandare Vs. The State of Maharashtra, through Police Station Officer, Police Station Khadan,
Taluka and District Akola)

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

Court's or Judge's orders

Mr. M.N. Ali, Advocate for the applicant.
Mr. A.M. Kadukar, A.P.P for the non-applicant/State.
Mr. Manoj Sable, Advocate for the complainant.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 3.12.2025.

The applicant is apprehending arrest in Crime No.773/2025 for the offence punishable under Sections 85, 108 and 3(5) of the Bharatiya Nyaya Sanhita.

2. It is alleged that because of the torture and extra marital affair of this applicant and torture by the in-laws, the deceased has committed suicide by burning herself. After 5 days of the incident she died. She has stated to her sister that as her in-laws and her husband used to torture her and as she was fed up with the cruelty she has committed suicide.

3. The learned Advocate for the applicant has stated that family members of this applicant are already granted anticipatory bail. This applicant is the husband of the deceased. The allegations about extra marital affair are there.

4. He has relied on the judgments of the Hon'ble Apex Court in support of his argument that extra marital affair cannot constitute an offence under Section 498-A of the I.P.C. He has relied on the judgment of the Hon'ble Apex Court in the case of K.V. Prakash Babu

V/s. State of Karnataka (Criminal Appeal No(s).1138-1139/2016). According to him, there is no proximity. There are number of complaints lodged by this applicant and deceased against each other. Both of them attempted to commit suicide for twice. Immediate nexus is required to attract the offence under Section 108 of B.N.S. He has also relied on the judgment of the Hon'ble Apex Court in the case of *M. Mohan V/s. State represented by the Deputy Superintendent of Police* reported in **2011 ALL MR (Cri) 1659 (S.C.)** in support of his argument that proximity between the incident and the death is required. He has also relied on the judgment of this Court in the case of *Mahendra Madhavdas Mundada and others V/s. State of Maharashtra* reported in **2015 ALL MR (Cri) 868** wherein the allegations about Section 498-A though are proved the offence under Section 306 of the I.P.C. is not proved. Reliance is also placed on the judgment of this Court in the case of *Ajinath Devrao Bhavar and others V/s. The State of Maharashtra and another* reported in **2023 ALL MR (Cri) 2240** in support of his argument that close proximity of cruelty at the time of suicide of the cruelty is necessary.

5. The learned Advocate for the applicant has stated that the quarrels between the applicant and deceased are regular wear and tear occurred in every marital life. The earlier complaints shows that both of them were not comfortable with each other and they tried to commit suicide. However, earlier incident was of 6.1.2024 and she has committed suicide on 28.9.2025 thus, there is no proximity and custodial interrogation of this applicant is not necessary. Hence, prayed to release the applicant by granting anticipatory bail.

6. Learned A.P.P. opposed the application stating that all the authorities cited by the applicant are not applicable in this case as the facts are different. The statement of witness shows that before 15 days deceased was beaten by bat and it was informed to the witness. Earlier also he beat her and her jaw was fractured. The applicant ill-treated her. He treated her with cruelty and at the time of incident he has not denied his presence on the spot. Custodial interrogation of the applicant is necessary. Hence, prayed to reject the application.

7. The applicant has relied on the judgments of the Hon'ble Apex Court wherein observations are made after trial and it is about the conviction or acquittal and not at the stage of bail. The allegations against this applicant are made about having extra marital affair and also he used to assault the deceased physically. Statement given by one of the witness shows that immediately before some days of the incident he beat her mercilessly. He gave her burn injuries with cigarette in presence of her children and deceased had informed it to one of the witness Vrushali Sone. Considering the allegations made against this applicant, continuous complaints against the applicant and not only because of the applicant was having extra marital affair she has not committed suicide but the ill-treatment and assault at the hands of this applicant was there and close proximity of the ill-treatment is there, custodial interrogation of the applicant in this case is necessary. Hence, the application is rejected.

(MRS.VRUSHALI V.JOSHI, J.)