



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

CRIMINAL APPLICATION [B.A.] NO. 1193 OF 2025

Kusum S/o Deepak Davule and Another

-- VERSUS --

The State of Maharashtra

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

Court's or Judge's orders.

Mr. S.K. Sabahat, Advocate for the Applicant.

Ms. M.H. Deshmukh, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 14, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.581/2025 for the offences punishable under Sections 80, 85, 108 and 3(5), of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Section 4 of the Dowry Prohibition Act, 1961, registered with Police Station Butibori, District Nagpur (Rural).

3. The First Information Report was lodged by the father of the deceased alleging that before marriage his daughter was in a love relationship with one person namely Abhishek Davule. Even before marriage he used to question her character and ask for money from her account. Subsequently, on 25/04/2025 they got married. After marriage on the occasion of deceased's birthday her cousin sister went

to stay with them. Deceased's father-in-law started fighting with her stating that they had to bear more expenses for the wedding and started demanding that she get money from her father. Even her luggage was thrown out of the house. Regarding the said incident, deceased called the informant and asked him to take her away or else her husband, father-in-law, mother-in-law and brother-in-law will kill her. She also informed him that her father-in-law under consumption of alcohol, used to hurl abuses towards her. The said incident was also informed by her cousin sister to the informant. After that incident also two times the deceased had called her father and said that her in-laws were asking money on the pretext that they have incurred more expenses in the marriage. On 30/05/2025, around 11:30 p.m. informant was informed by his relative that deceased has hanged herself. Based on the aforesaid allegations, FIR came to be lodged against husband, father-in-law, mother-in-law and brother-in-law of the deceased.

4. The learned counsel appearing for the applicants submit that so far as the present applicants are concerned, they are mother-in-law and brother-in-law of deceased. There are no specific allegations against the present applicants, however, there are only vague allegations. He further submits that the

deceased died due to hanging herself and even in the entire charge-sheet, there is no specific allegation of demand of dowry against the present applicants. There is no material against the applicants so as to attract Sections 80, 85 and 108 of BNS and Section 4 of the Dowry Prohibition Act. Lastly, it was submitted that the investigation is complete and charge-sheet is filed and the accused persons are in jail from 31/05/2025.

5. On the other hand, the learned A.P.P. submits that the deceased died within one month after the marriage. There are serious allegations against all the accused persons including the present applicants. She has invited my attention to the F.I.R. and the statements recorded during the investigation. She has also invited my attention to the statement of Ku. Sakshi, wherein she has specifically stated that all the accused persons used to harass her on account of money and there was a demand of Rs.2,00,000/-. She further submits that there is sufficient evidence against the present applicants and as the death is within 7 years of marriage, under such circumstances, the present applicants does not deserve to be enlarged on bail.

6. Upon hearing the learned counsel appearing for the applicants and the learned A.P.P., it appears that, so far as the present applicants are

concerned, neither in the F.I.R. nor in the entire charge-sheet, there are specific allegations against the present applicants, only allegations are that all the accused persons used to harass the deceased. It further appears that the demand was by the father-in-law of the deceased. Considering the nature of allegations against the present applicants and the fact that the investigation is complete and charge-sheet is filed, I am inclined to grant bail.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicants/accused (Kusum S/o Deepak Davule) and (Aditya S/o Deepak Davula) be released on regular bail in connection with Crime No.581/2025 registered with Butibori Police Station, District Nagpur (Rural) for the offences punishable under Sections 80, 85, 108 and 3(5), of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Section 4 of the Dowry Prohibition Act, 1961, on they

furnishing a PR. bond of Rs.25,000/- each with one surety each in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his/her residential address and cell number to Police Station concerned and shall not change his/her place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he/she fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his/her default would entail the State to ask for cancellation of bail.

[M.M. NERLIKAR, J]