



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

CRIMINAL APPLICATION [B.A.] NO. 355 OF 2026

Sahadab Jabbar Sheikh

-- VERSUS --

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. R.M. Daga, Advocate for the Applicant.

Ms. T.H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 06, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.332/2024 for the offence punishable under Sections 108, 80, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with Sections 3 and 4 of the Dowry Prohibition Act, 1961, and Section 3 of the Protection of Women from Domestic Violence Act, 2005, registered with Police Station Hingna, District Nagpur.

3. As per the First Information Report, the deceased Salina was married to accused Shadab Sheikh on 02/06/2022 and was residing at her matrimonial home. It is alleged that after initial period of marriage, she was subjected to harassment and ill-treatment by her husband and his family

members on account of domestic issues and alleged demand of dowry, including money and a vehicle. It is further stated that due to such alleged harassment, the deceased consumed poison at her matrimonial home. She was initially taken for treatment and subsequently shifted to a hospital at Nagpur, where she succumbed to her condition on 28/07/2024.

4. The learned counsel for the applicant submits that the applicant is the husband of deceased wife. On 23/07/2024, there was quarrel between the mother-in-law, sister-in-law and brother-in-law of the deceased with the deceased. It is alleged that the deceased has given dying declaration to the father stating that, all three referred above were harassing the deceased, and on that day, the mother-in-law has asked the deceased to consume the poison. Based on these allegations, the F.I.R. was registered under Sections 108 and 3(5) of the B.N.S., while the charge-sheet was filed under Sections 108, 80, 85 and 3(5) of the B.N.S. as well as Sections 3 and 4 of the Dowry Prohibition Act, 1961 and 3 of the Protection of Women from Domestic Violence Act, 2005.

5. The learned counsel for the applicant submits that so far as the applicant is concerned, there are no allegations for the alleged abetment to suicide. The allegations are against mother, sister and

brother of the applicant, which could be gathered from the oral dying declaration given to the father by the deceased. He further submits that the only allegation against the applicant is that the treatment was not given by the applicant at A.I.I.M.S. hospital, however, against the opinion of the Doctor, the applicant has taken discharge. Considering the nature of allegations, the applicant deserves to be granted bail, as there is no involvement of the applicant in the alleged abetment of suicide.

6. On the other hand, the learned A.P.P. vehemently opposes the application and submits that though the F.I.R. was registered on 14/08/2024, the applicant was arrested on 05/02/2026. She further submits that there are serious allegations against the applicant of meting out cruelty. The harassment at the hands of the in-laws and the present applicant has led the deceased to commit suicide. Merely because deceased in her oral dying declaration did not name the applicant itself is not sufficient. She further submits that the F.I.R. if taken as whole would show the complexity of the present applicant in the entire episode, and therefore, considering the seriousness of the offence, the applicant may not be released on bail.

7. I have considered the rival submissions. No doubt, the F.I.R. was registered almost after 22

days of the alleged consumption of poison by the deceased-wife. It further appears that in the oral dying declaration given to the father by the deceased she specifically states that mother-in-law, sister-in-law, and brother-in-law were harassing the deceased and on the fateful day, i.e., on 22/07/2024, at about 11:00 a.m., due to the harassment, she has consumed poison. It is pertinent to note that the name of the present applicant was not taken by the deceased in her oral dying declaration. It further appears that though the deceased survived for 8 days and further she was treated at hospital, however, she succumbed to death. Merely, because she was not treated at A.I.I.M.S hospital, the present applicant cannot be said to have committed the offence under Section 108 of the B.N.S. Considering this fact and the fact that the investigation is complete and charge-sheet is filed, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Sahadab Jabbar Sheikh) be released on regular bail in connection with Crime No.332/2024 for the offence punishable under Sections 108, 80, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023,

(BNS), read with Sections 3 and 4 of the Dowry Prohibition Act, 1961, and Section 3 of the Protection of Women from Domestic Violence Act, 2005, registered with Police Station Hingna, District Nagpur, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety 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 residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail or even trial Court can *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

8. 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.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN