



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

CRIMINAL APPLICATION (ABA) NO. 250 OF 2026

Smt. Anita Vishwanath Hatagade Vs State of Maharashtra

AND

CRIMINAL APPLICATION (ABA) NO. 252 OF 2026

Sau Vaishali Moreshwar Ranbawle 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. R.M. Tahaliyani, counsel for applicant in both the applications.
Mr. A.M. Ghogare, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 22/04/2026.

1. Apprehending arrest, in connection with Crime No.66 of 2026 dated 30/01/2026 registered with Police Station City Kotwali, Tah & Dist. Akola, for the offence punishable under Section 103(1), 3(5), 351(2), 351(3), 352 and 85 of the Bharatiya Nyaya Sanhita, 2023, the applicants have approached this Court.

2. The complaint is lodged at the instance of one Mirabai Laxman Hanwate. The daughter of Mirabai, named Priyanka got married with the accused No.1, Devanand Hatagade on 31/12/2023. The accused No.2, Anita is mother of accused no.1, whereas accused No.3 Vaishali, is the sister. The accused No 1 was working with the Police Department on the post of Constable. After marriage, Priyanka started residing with all the accused at village Hingoli, where she was subjected to physical and

mentally harassment. It was alleged that she was not served the food and the applicants used to instigate accused No.1, due to which she was beaten. It was alleged in the FIR that, though on several occasions the accused persons were tried to be convinced, they did not mend there ways.

3. On 04/08/2024 at about 7 O'clock in the morning, dowry was demanded from Priyanka. All the accused were residing in the Police Quarter at Akola. The accused persons used to harass the said Priyanka on the ground that the gift articles were not presented and dowry was not paid in the marriage. The accused No. 1 had even threatened that, since he was working with Police Department, no action can be taken against him.

4. On 04/08/2024, Priyanka had informed her brother and told him that she was beaten mercilessly and requested her mother to immediately come to matrimonial place. She also told them that the accused persons would kill her. Immediately, the informant with her brother proceeded towards the Akola, during which time several calls were made by Priyanka. When the informant and her brother went to matrimonial house of Priyanka at about 3.30 p.m., they found that Priyanka was frightened and there were several red marks on her body. Priyanka was carrying five month pregnancy at that time.

5. It was alleged in the FIR that she was mercilessly beaten. Due to the atrocities committed,

Priyanka had also called on helpline number 112 and the police team attached to the City Kotwali Police Station, Akola, visited the spot of incident and took Priyanka with them. The statement of Priyanka was then recorded and she was referred to the Government Hospital, Akola.

6. It was alleged in the FIR that in Government Hospital, accused No.1 again assaulted Priyanka, and threatened her to kill her. The informant then tried to convince the accused No.1 and told him that Priyanka would be taken to Pusad. The statement of Priyanka was then recorded. On 7/08/2024, since Priyanka had stomach pain, she was subjected to medical examination, in which it was found that the fetus had died. After necessary treatment, the said Priyanka died on 07/8/2024. It is alleged in the FIR that, though a complaint was lodged with the police station and ultimately the incident was brought to the notice of the Superintendent of Police on 17/09/2024, the FIR was not registered. Inaction on the part of police authorities compelled the informant to prefer an application under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023. As per the direction given by the Jurisdictional Magistrate, the FIR came to be registered.

7. The learned counsel for the applicant has submitted that the allegations against the present applicant are vague and when Priyanka was taken to the Police Station on 04/08/2024, her statement was recorded.

8. The learned APP has produced before me copy of the case diary, which shows that the statement of Priyanka was recorded on 04/08/2024. In the said statement, Priyanka had narrated that after marriage she was subjected to ill-treatment by all the accused persons on account of non-payment of dowry. So far as the incident dated 04/08/2024 is concerned, it is specifically stated by her that her husband had beaten her by means of kicks and blows. So far as the role assigned to the applicant-Anita is concerned, it was stated that she was present in the house and both mother-in-law and sister-in-law had instigated the husband, and on their say, she was beaten regularly. It was further stated that she was subjected to mental and physical harassment by all the accused persons. It was further stated that, as she was beaten by her husband, she had called her mother.

9. Thus, the statement dated 04/08/2024 is perused, it would reveal that on the day of incident it was the husband who had beaten the informant. The role assigned to present applicant is regarding instigation. Whether the acts of the applicants would be enough to constitute instigation or not is a matter of trial. Suffice to say that, at present nothing has been brought on record to show that applicants were also involved in actual assault. The Post Mortem report shows the cause of death which is 'hemorrhagic shock due to retained products of conception, however viscera was preserved for chemical analysis and organs were kept for histopathological

examinations'. The FIR shows that on 07/08/2024 there was excessive bleeding and the fetus had died in womb. The death had occurred thereafter. Since the applicants have not participated in actual assault, and considering the fact that both are ladies, and since nothing is required to be seized from the present applicant, and the learned APP has fairly submitted that investigation is likely to be concluded within time bound period, I am inclined to pass the following order.

ORDER

- a) The Criminal Applications are **allowed**.
- b) In the event of arrest, in connection with Crime No.66 of 2026 dated 30/01/2026 registered with Police Station City Kotwali, Tah & Dist. Akola, for the offence punishable under Section 103(1), 3(5), 351(2), 351(3), 352 and 85 of the Bharatiya Nyaya Sanhita, 2023, the applicant namely **Smt. Anita Vishwanath Hatagade in Criminal Application (ABA) No. 250 of 2026 and in Criminal Application (ABA) No. 252 of 2026 Sau Vaishali Moreshwar Ranbawle** shall be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one solvent surety in the like amount.
- c) The applicants shall attend the concerned Police Station on 25th and 26th of April 2026,

between 10.00 a.m. to 12.00 p.m.

- d) The applicants shall not tamper with the prosecution evidence or influence the witnesses.
- e) The applicants shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)

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