



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

CRIMINAL APPLICATION (ABA) NO. 360 of 2026

(Naseem Begam w/o Ayyub Khan Vs. State, thr PSO, PS Ganeshpeth, Nagpur)

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

Court's or Judge's orders.

Mrs. Shweta Gandhi, Advocate for applicant.
Ms. D.V. Sapkal, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 07.05.2026

1. Apprehending arrest, the accused no. 2/applicant has preferred this application in connection with First Information Report/Crime No. 109/2026, dated 09/04/2026, registered with Police Station Ganeshpeth, Nagpur City for the offences punishable under Sections 108, 351(2), 352, 80 and 85 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 4 of Dowry Prohibition Act, 1961.

2. The FIR was lodged by the informant/reporter namely Alparhan Akil Khan. The informant of the crime is the brother of one Sana. The said Sana was married to the accused no. 1. It is alleged in the FIR that, all the accused persons who are sister, father and mother of the accused no. 1 used to ill-treat one Sana physically and mentally. On 06/04/2026, the said Sana had telephoned the informant and told that, she was abused in filthy language by her husband and the applicant. The informant along with his mother and maternal uncle immediately reached the spot and tried to convince the said Sana. Sana told the informant that it has become very difficult to live with the accused persons due to harassment. At that time, the accused no. 4 had told the maternal uncle of the informant that, if she desires to commit the suicide, she can do so. On

07/04/2026, the informant and other returned to their house by convincing the said Sana. Again at 02.00 O'clock in the night, Sana telephoned the informant and disclosed that, accused no. 1 was saying that, she should die and was abusing her.

3. It is due to this continuous harassment, Sana committed suicide by hanging her in the matrimonial house. The said incident triggered the registration of the FIR. The learned counsel for the applicant submitted that, the offences registered against the applicant are prima facie not attracted since the ingredients of making case for 'abetment' is missing. She further submitted that, the applicant is mother-in-law who has no criminal antecedents.

4. Ms. Shweta Gandhi, the learned counsel for the applicant in order to buttress her contention has relied upon the judgment passed by the Hon'ble Division Bench of this court in case of ***Ratan Pundlik Salunkhe and others Vs State of Maharashtra and another*** reported in ***2016 ALL MR (Cri) 4858*** more particularly paragraph No. 40 and has contended that there must be an intention to aid, by act or illegal omission, the doing of a thing which results in the commission of suicide. She contended that considering the averments made, prima-facie case is made out by the applicant.

5. Per contra, the learned APP has opposed the application and has argued that a suicide note was found which was seized during the course of investigation. In the said note, it was stated that applicant will have to face the consequences regarding harassment meted out by her. The learned APP has further submitted that investigation is at an initial stage.

6. With the assistance of the respective counsels, I have gone

through the record of the case. In short, it is alleged in the FIR that all the applicant used to harass the victim and pass comments, due to which the victim committed suicide. The FIR and the case diary reveal that it was due to harassment meted out, ultimately the victim took a decision to commit suicide.

7. At this stage, it is necessary to mention here that whether the allegations made in FIR would constitute prima-facie “abetment” as defined under Bharatiya Nyaya Sanhita, 2023, so far as appellant is concerned, will have to be looked into. Though the incident is unfortunate, the fact remains that, prima-facie, except the allegations made, nothing has been brought on record of this Court.

8. In view of the aforesaid said discussion, and considering the observations made by the Hon’ble Division Bench of this Court in case of Ratan Pundlik Salunke (supra), I pass the following order:

ORDER

a] The criminal application is allowed.

b] In the event of arrest, in connection with Crime No. 109/2026, dated 09/04/2026, registered with Police Station Ganeshpeth, Nagpur City for the offences punishable under Sections 108, 351(2), 352, 80 and 85 of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of Dowry Prohibition Act, 1961, the applicant- Naseem Begam w/o Ayyub Khan be released bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

c] The applicant shall attend the concerned Police Station as and when required.

d] The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

e] The applicant shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)

Belkhede, PS