



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

CRIMINAL APPLICATION (ABA) NO. 390 OF 2026

SAU. DIPALI KISHOR CHOPDE AND OTHERS
VS

THE STATE OF MAHARASHTRA THR. PSO, PS KHAMGAON CITY, DIST. BULDHANA

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

Court's or Judge's orders

Mr. A.D. Bhate, counsel for the applicant.
Mr. A.M. Ghogre, APP for the non-applicant/State.

CORAM : NANDESH S. DESHPANDE, J.
DATED : 22.05.2026

1. Heard.

2. This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita for grant of bail apprehending arrest. The applicants are apprehending arrest in connection with Crime No. 251/2026, registered on 02.05.2026, for offences punishable under Sections 103, 109, 351(3), and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that one Kishor Kashiram Chopade, who is now deceased, was the husband of applicant No. 1. In order to repay the loan incurred by applicant No. 3 herein, namely, Ajay Pandurang Bochara, who is the elder brother-in-law of the deceased, the deceased sold his land and paid an amount of Rs. 44 lakhs

to applicant No. 2, who is the father-in-law of the deceased. Thereafter, the informant and applicant No. 1 were residing in a room in the house of applicant No. 3. It is alleged that the applicants subjected the deceased to cruelty, due to which the relationship became strained.

4. It is further stated in the First Information Report that, on 02.05.2026 at about 1:30 p.m., when the deceased, Kishor, went to meet applicant No. 1 at the house of the applicants and insisted that applicant No. 1 should accompany him, applicant Nos. 2 to 4 abused the deceased and questioned him regarding the purpose of visiting their house. In the quarrel that ensued, applicant No. 4, namely Gopal, i.e., the elder brother-in-law of the deceased, fetched a bottle of petrol, while the other applicants caught hold of the deceased, and applicant No. 4 poured petrol on the person of the deceased and set him ablaze. It is further stated in the First Information Report that, after some time, the applicants doused the fire by pouring water on the person of the deceased. The police arrived at the scene and admitted the deceased to the hospital. During treatment, the said person died on 07.05.2026, and accordingly, Section 103 of the Bharatiya Nyaya Sanhita, 2023, came to be added. In this background, the applicants approached the Sessions Judge, Khamgaon, by filing Criminal Application bearing ABA No. 178/2026. The said application was rejected by the said Court on 08.05.2026,

which has prompted the applicants to file the present application.

5. I have heard Mr. A.D. Bhate, learned counsel for the applicants, as well as Mr. A.M. Ghogre, learned APP for the non-applicant/State.

6. It is the contention of the learned counsel for the applicants that they have been falsely implicated in the crime and have nothing to do with the same. It is further contended that the deceased, under the influence of liquor and carrying chilli powder, came to the house of the applicants and abused them in filthy language. It is also contended that the deceased, in an intoxicated condition, set himself on fire, and it was the applicants who extinguished the fire and called the police personnel.

7. The learned counsel for the applicants, therefore, submits that the applicants deserve protection, particularly when there is no necessity for custodial interrogation. Furthermore, it is submitted that applicant No. 2 is suffering from systemic hypertension and requires continuous medical treatment, and that applicant Nos. 3 and 4 have school-going children and are the sole breadwinners of their respective families.

8. It is further contended on behalf of the applicants that they are being falsely implicated in the crime, since applicant No. 1 had earlier lodged two

complaints against the deceased on 20.06.2025 and 30.04.2026, alleging therein that the deceased used to harass her under the influence of liquor.

9. The learned APP strongly opposes the contentions advanced by the learned counsel for the applicants. He submits that the applicants poured petrol on the deceased and set him on fire with the intention to kill him, and therefore, their custodial interrogation is necessary. It is further submitted that the offence is serious in nature and that a specific role has been attributed to each of the applicants. He therefore prays for rejection of the application.

10. I have considered the contentions canvassed by the learned counsel for the respective parties and have also gone through the First Information Report. As can be seen from the First Information Report in question, it has been specifically stated that applicant No. 4 fetched petrol in a bottle from the house and that all the applicants caught hold of the deceased and set him on fire. Even though it is the case of the applicants that the deceased had himself set himself on fire, the same would be a matter of evidence and, at the most, can be a defence available to the applicants during the trial.

11. At present, looking at the seriousness of the crime and the photographs filed on record showing the

extent of burn injuries, it cannot be said, at least prima facie, that it was the deceased who, under the influence of liquor, poured petrol on himself and set himself on fire. Thus, considering the seriousness of the crime, and more particularly the fact that the offence is under Section 103, in my view, it would not be proper to release the applicants on bail apprehending arrest. Custodial interrogation is necessary with regard to various aspects of the matter.

12. In that view of the matter, I find no merit in the application. The application, therefore, deserves to be dismissed. Accordingly, the **application rejected**.

(NANDESH S. DESHPANDE, J.)