



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

CRIMINAL APPLICATION (BA) NO.162 OF 2025
(Sagar s/o Diliprao Khopade Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N. Vyawahare, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 09/01/2025 in connection with Crime No.2/2025 registered with Police Station Morshi, District Amravati for the offences punishable under Sections 108 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by the mother of the deceased on an allegation that the present applicant was serving in a fair price shop wherein she had a quarrel with the present applicant, therefore, she called her son. There was hot exchange of words between her son and the present applicant also and present applicant abetted him to commit suicide, therefore, he went at home, consumed the poison and succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that even accepted the allegation as it is, nowhere it reveals that there was a nexus between the abetment and committal of the suicide by the present applicant. The act of the present applicant nowhere covers under the definition of the abetment. Now, investigation is completed and charge-sheet is filed, therefore, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that there is a long standing dispute between the present applicant and the deceased and the present applicant has abetted the deceased to commit suicide, previous complaints were also there, and therefore, the deceased has consumed the poison and succumbed to the death. Thus, considering the continuous abetment at the hands of the present applicant, his bail application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the recitals of the FIR and the investigation papers from which it reveals that there was a previous dispute between the present applicant and the deceased and his family members. On 26/12/2024, there was a hot exchange of words between the present applicant and the deceased and thereafter deceased has consumed the poison and succumbed to the death. As far as abetment is concerned in order to constitute an abetment the abettor

must be shown to have intentionally aided commission of crime. Mere proof that crime charged could not have been committed without interposition of the alleged abettor is not enough compliance with the requirements of Section 107 of the IPC. Thus, there should be a nexus between the abetment and the committal of the suicide which is a matter of evidence. At this stage, considering the investigation is already completed and charge-sheet is filed, further incarceration of the applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Sagar s/o Diliprao Khopade in connection with Crime No.2/2025 registered with Police Station Morshi, District Amravati for the offences punishable under Sections 108 of the Bharatiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(iv) The applicant shall attend the proceedings before the Sessions Court

without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition imposed by this Court would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*