



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

CRIMINAL APPLICATION (ABA) NO.159 OF 2025

(Rahul s/o Madhukar Manohar Vs. The 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. R.M. Daga, Advocate h/f Mr. A.S. Band, Advocate for the
applicant.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 2, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.91/2025 registered with Police Station Mankapur, Nagpur, District Nagpur for the offences punishable under Sections 108 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by Anil Shyamlal Thakare who is the brother of the deceased who has committed suicide and the suicide note was found after five days of the incident. He submitted that initially, no grievance was made by the informant as to the death of the deceased and subsequently after five days, the said suicide note was produced. Even accepting the suicide note as it is, the offence of abetment is not made out. He submitted that there is no proximity or

nexus between the two i.e the death of the deceased and the abetment at the hands of the present applicant and there was no immediate cause to commit the suicide. Even accepting the prosecution story as it is the alleged incident of assault was taken place prior to eight day of the incident and the suicide is committed subsequent to the said incident. In support of his contention he placed reliance on the order of this Court at Principal Seat in ***Criminal Anticipatory Bail Application No.3124/2020*** wherein by referring the judgment of the Hon'ble Apex Court in the case of ***M. Mohan V/s. The State, represented by the Deputy Superintendent of Police [(2011) 3 SCC 626]***, the Court has released the accused on bail.

3. Learned APP strongly opposed the application and submitted that the suicide note was found wherein it is mentioned that the present applicant and other co-accused are responsible for his death. Thus, due to the abetment at the hands of the present applicant and other co-accused deceased committed suicide, and therefore, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. On perusal of the FIR dated 22/02/2025 it was alleged that the present applicant has abetted the deceased to commit suicide. The alleged incident of committal of suicide has occurred on 17/02/2025. Though the Investigating Officer was present for carrying out the

other formalities, no grievance was made by the informant to the Investigating Officer. After five days of the said incident, the said FIR is lodged against the present applicant. It is alleged that the applicant is a paramour of the wife of the deceased, and therefore, the deceased has left behind a suicide note and alleged abetment of suicide at the hands of the present applicant. As observed by the Hon'ble Apex Court in the case of M. Mohan V/s. The State (*supra*) relied upon by the applicant wherein it is observed that abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

5. Keeping in mind, the ratio laid down by the Hon'ble Apex Court in the context of the facts of the case, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Rahul s/o Madhukar Manohar in connection with Crime No.91/2025 registered with Police Station Mankapur, Nagpur, District Nagpur for the offences punishable under Sections 108 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory

bail on executing PR. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(iv) 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.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*