



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

CRIMINAL APPLICATION (BA) NO.302 OF 2025
(Durgeshwari wd/o Narendra Thakre 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. R.M. Daga, Advocate a/w Mr. A.S. Band, Advocate for the
applicant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 2, 2025.

By this application, the applicant is seeking bail as she came to be arrested on 17/02/2025 in connection with Crime No.91/2025 registered with Police Station Mankapur, Nagpur, District Nagpur for the offences punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the allegation, the present applicant was having illicit relations with the other co-accused and the present applicant and other co-accused assaulted the deceased, therefore, he felt humiliated and committed suicide by hanging himself. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned which are baseless. The alleged incident of assault has taken place

prior to the eight days and thereafter the suicide allegedly committed by the deceased. He submitted that initially there was no grievance to the effect that the present applicant was having illicit relations with the co-accused. He further submitted that after five days, the said FIR is lodged against the present applicant. In fact, the abetment involves a mental process of instigating a person or intentionally aiding a person. The suicide note nowhere discloses in what manner the abetment was there. There is no nexus or proximity between the two acts. Without positive act on the part of the accused the applicant cannot be said to have committed an offence of abetment to commit suicide. Now, the investigation is practically completed though charge-sheet is not filed, his further incarceration is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application on the ground that during investigation the suicide note was found wherein it is specifically mentioned that the applicant is responsible for his death. Considering the same and charge-sheet is yet to be filed, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that as per the allegation, the deceased was assaulted by the present applicant and the co-accused prior to 8 days and thereafter the alleged incident has

taken place. The suicide note only reflects that the present applicant and the other co-accused are responsible for the death of the deceased. As observed by the Hon'ble Apex Court in the case of **M. Mohan Vs. State Tr. Dy. Supdt. of Police [(2018) 3 SCC 626]** that abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused to instigate or aid in committing suicide, there cannot be any conviction. Keeping in mind the above said proposition the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Durgeshwari wd/o Narendra Thakre in connection with Crime No.91/2025 registered with Police Station Mankapur, Nagpur, District Nagpur for the offences punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail, on executing PR. Bond in the sum 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, till filing of the charge-sheet.

(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*