



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

CRIMINAL APPLICATION (ABA) NO.301 OF 2025

Tukaram Chandrabhan Dange

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Khamgaon, District 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.M. Tirukh, Advocate for applicant.
Mr. N.B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/06/2025

. Apprehending the arrest at the hands of police in connection with Crime No.0137/2025 registered with Police Station Khamgaon Rural, Taluka Khamgaon, District Buldhana, for the offence punishable under Sections 108, 351(2), 351(3) and 352 read with Section 3(5) of the Bhartiya Nyay Sanhita (BNS) Act, 2023. The applicant approached to this Court for grant of pre- arrest bail.

2. The crime is registered on the basis of a report lodged by the brother of deceased on an allegation that his sister-in-law has contested the gram panchayat election, wherein she has lost the election, and thereafter, the present applicant and other co-accused harassed them, abused them and also threatened them. They were also alleging that they have committed corruption, due to which his

brother got fed up and committed suicide by hanging himself. On the basis of the said report, police have registered crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that as far as abetment is concerned, general allegations are not sufficient to attract the abetment of committing suicide. Even accepting the allegations as it is, nothing is on record to show that there is any nexus between the abetment and the committal of suicide. As far as his custodial interrogation is concerned, which is not required.

4. Learned APP strongly opposed the same and submitted that considering that there was constant harassment at the hands of the present applicant, which resulted into suicide by the deceased. The application deserves to be rejected.

5. On hearing both sides and on perusal of investigation papers it reveals that the allegation is that there was physical and mental harassment at the hands of the present applicant, and therefore deceased has committed suicide. From the recitals of the FIR, it appears that general allegations are levelled against the present applicant in order to constitute the offence of abetment levelled against the present applicant in order to constitute the offence of abetment the abettor must be shown to have intentionally aided in the commission of the crime. Mere allegation is not sufficient to attract the provisions. The applicant has to be shown that he has

abetted the deceased to commit suicide by way of instigation or aiding or by other means. Considering the recitals of the FIR, and the investigation papers, at this stage, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant dated 05/05/2025, is confirmed on the condition that the applicant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 1.00 p.m. till filing of the charge sheet and shall cooperate with the investigating agency.
- (iii) The applicant shall not induce threat or promise to any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- (v) The applicant shall also furnish his detail address along with the address proof.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)