



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

CRIMINAL APPLICATION (ABA) NO.339 OF 2025

Avinash s/o Narayan Mahale

Vs.

State of Maharashtra, through Police Station Officer, Khamgaon Rural,
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. Digvijay P. Mankar Counsel for the applicant.
Mr. Anant Ghogare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/06/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.137/2025 registered with Police Station Khamgaon Rural, District Buldhana, for the offence punishable under Sections 108, 351(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya 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 the 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. It is further alleged that the present applicant was alleging that the deceased and his wife had committed corruption, due to which the deceased 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 offence of abetment. 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. In view of that, the applicant be released on bail.

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 and therefore, 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. There must be material to show that the applicant or the abettor has 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 by order dated 16.05.2025 is hereby confirmed subject to the condition that the applicant shall not induce threat or promise to any witnesses who are acquainted with the facts of the case.

(iii) 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. and shall cooperate with the investigating agency, till filing of the charge sheet.

(iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)