



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

CRIMINAL APPLICATION (ABA) NO. 424 OF 2025

Vishwajeet s/o Mangilal Rathod and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station Pinjar,
District Akola and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. B. Gandhi, Counsel for the applicants.
Mr. C. A. Lokhande APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2025

1. Present application is preferred by the present applicants for grant of anticipatory bail in connection with Crime No.164/2025 registered with Police Station Pinjar, Tah. Barshitakli, District-Akola for the offences punishable under Sections 64, 71, 296, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of the report lodged by the father of the victim on an allegation that his daughter was having a love affair with the son of the applicants and he subjected her for sexual assault. As the son of the applicants was not responding to the telephonic call of the victim and therefore, tried to approach him at his house, but the

present applicants were present and instigated her and therefore, she consumed poison and committed suicide. On the basis of the said report, Police registered the crime.

3. Heard learned Counsel for the applicants, who submitted that, even accepting the allegations as it is the offence under Section 64 is not made out against the present applicants. The allegations are not sufficient to show that there was any intention to abet the deceased to commit suicide. Merely saying that she should die is also not sufficient to say that the present applicants have instigated or abetted her to commit suicide. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that there is a specific allegation against the applicants.

5. On hearing both the sides and on perusal of the recitals, it reveals that, it is alleged that the applicants instigated the deceased to commit suicide. In view of Section 107, a person abets the doing of a thing, who instigates any person to do that thing or engages with one or more other person or persons in any conspiracy for the doing of that thing. In order to constitute abatement the abettor must be shown to have intentionally aided to the commission of crime. Mere saying by the said person is not enough to

attract the ingredients of the offence. Considering the allegations levelled against the present applicants immediate custodial interrogation is not required. They have already cooperated with the investigating agency, in view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicants by order dated 18.06.2025 is hereby confirmed on the condition that the applicants shall attend the concerned Police Station as and when required for the investigation purpose on issuance of notice of seven days in advance and shall cooperate with the investigating agency.
- (iii) The applicants 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 applicants shall not enter into the vicinity of Barshitakli District Akola, till the culmination of trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)