



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

CRIMINAL APPLICATION (ABA) NO.469 OF 2025

Abhishek Kumar s/o Arun Kumar

Vs.

State of Maharashtra, through Police Inspector, Bajaj Nagar Police
Station, Nagpur

AND

CRIMINAL APPLICATION (ABA) NO.472 OF 2025

Anurag Singh

Vs.

State of Maharashtra, through Police Inspector, Bajaj Nagar Police
Station, Nagpur

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

Court's or Judge's orders

Mr. M. R. Perke, Counsel for the applicants.

Mr. C. A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.108/2025 registered with Police Station, Bajaj Nagar, Nagpur for the offence punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report lodged by the father of the deceased on an allegation that his daughter was admitted in National Fire Service College, Ramnagar, Mankapur and the

present applicants were taking education along with her. They have harassed her by using filthy language and commenting on her sexually and therefore, she lodged the report. On the basis of report, the crime No.112/2022 was registered and thereafter also, the applicants continued to harass her and, therefore, she being fed up with the said harassment and committed suicide on 07.04.2025 by hanging herself. On the basis of the said report, police have registered the crime.

3. Heard learned Counsel for the applicants, who submitted that the alleged incident of registering the crime is of year 2022, thereafter, there is no nexus between the abetment of the suicide and the committal of the suicide. He submitted that even the allegations in the FIR are taken as it is, the offence of abetment is not made out. He submitted that there is no exact role attributed to the present applicants or the manner in which the present applicants have abetted the deceased to commit suicide. Thus, there is no nexus or proximity between the two acts, and therefore, the applicants be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that two offences are registered against the present applicants as they were harassing the deceased and being fed up with the harassment, she has committed suicide. He fairly

submitted that the applicants have attended the Police Station and cooperated with the investigating agency.

5. On hearing both sides and on perusal of the investigation papers, it reveals that initially the crime was registered in the year 2022, on an allegation that the present applicants and other co-accused harassed her and due to which, she was under the mental pressure and, therefore, she committed suicide. On perusal of the First Information Report, it reveals that the alleged crime was registered in the year 2022 thereafter there is nothing on record to show that any other crime was registered against the present applicants. In order to constitute abatement, the abettor must be shown to have intentionally, aided the commission in crime. Mere proof that the crime charged could not have been committed without the interposition of the alleged abettor is not enough compliance with the requirements of Section 107. To attract the offence of abetment there has to be some material to show that the person either instigated or aided the deceased to commit suicide. On perusal of the recitals of the FIR only it is alleged that due to the harassment at the hands of the present applicants, she was under the mental pressure. In fact, the alleged incident of harassment was reported to the police in the year 2022, thereafter there was no proximity between the two acts, in view of that, the

applicants have made out a case for grant of anticipatory bail. In view of that both the applications deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The Criminal Application (ABA) No.469/2025 and 472/2025 are hereby allowed.

(ii) The interim protection granted to the present applicants by order dated 01.07.2025 is hereby confirmed on the condition that the applicants shall attend the concerned Police Station as and when necessary for investigation purpose on issuance on notice of seven days in advance.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)