



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

CRIMINAL APPLICATION (ABA) NO.547 OF 2025

(Mahadeo Tulsiram Gawande and anr. Vs. The 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

Ms G. Ansari, Advocate h/f Mr. M.N. Ali, Advocate for the applicants.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 11, 2025.

Apprehending the arrest at the hands of Police in connection with Crime No.195/2025 registered with Police Station Washim for the offence punishable under Sections 108, 115(2), 296, 3(5) and 352 of the Bharatiya Nyaya Sanhita (BNS), 2023, the applicants approached to this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicants submitted that the applicant No.1 is the step Uncle and the applicant No.2 is the step Sister of the deceased. As per the allegations there was quarrel on the day of incident i.e. on 16.06.2025 between applicant No.2 and the deceased and she was allegedly assaulted and abused by the present applicants and other co-accused, and therefore, she committed suicide by jumping into the well. On the basis of the said report, police have registered the crime against the present applicants. It is submitted by the learned Counsel for the applicants that even accepting the

allegations as it is, no offence of abetment is made out against the present applicants as there is no proximity between the two acts therefore, the custodial interrogation of the present applicants is not required.

3. In support of his contention, he placed reliance on the decision of this Court in **Criminal Writ Petition No.3388/2024** (*Nishit Patel Vs. State of Maharashtra & anr.*) decided on 18.06.2025, wherein this aspect has been considered by the Division Bench of this Court and it is held that it is pertinent to note that the act of instigation, in order to constitute an offence under Section 306 of the IPC, is required to be of such an intensity, so as to push the deceased to such perplexity under which he has no choice, but, to commit suicide. Such instigation must also be in close proximity to the act and time of suicide. Thus, in order to satisfy the ingredients of Section 306 of the IPC, the accused ought to place the deceased in such a quandary that the deceased is left with no other option than to commit suicide. All of this is absent in the facts of this case.

4. Learned APP for the State strongly opposed the application and submitted that there is a proximity between two acts and as there was a quarrel and during that quarrel the deceased was assaulted therefore she has committed suicide.

5. On hearing both the sides and on perusal of the recitals of FIR and the investigation papers, only allegation against applicant No.2 is that there was a quarrel between her and the deceased, and therefore, she has committed suicide. The ingredients to constitute the offence under Section 306 of IPC would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option to commit suicide. At this stage there is no such circumstance appears to be there. Moreover, the applicants have cooperated during the investigation. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicants 1. Mahadeo Tulsiram Gawande and 2. Sonu @ Shubhangi Mahadeo Gawande in connection with Crime No.195/2025 registered with Police Station Washim, District Washim for the offences punishable under Sections 108, 115(2), 296, 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants 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 and shall cooperate with the investigating agency.

(iv) 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.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*