



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

**CRIMINAL APPLICATION (BA) NO. 749 OF 2025**

( Virendra Singh S/o Samandar Singh Tongar

**Vs.**

State of Maharashtra, Thr. PSO, Police Station Bajajnagar, Nagpur )

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. R.S. Akbani, Advocate a/w Ms. S.S. Gandhi, Advocate for the Applicant.  
 Mr. C.A. Lokhande, APP for the Non-applicant/State.

**CORAM: URMILA JOSHI-PHALKE, J.**

**DATED : 29<sup>th</sup> JULY, 2025**

1. The Applicant came to be arrested on 04.06.2025, in connection with Crime No. 108/2025 registered with Police Station Bajajnagar, Nagpur for the offence punishable under Sections 108, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the father of the Victim Girl on an allegation that his daughter was pursuing education in National Fire College in the year 2020. At the relevant time, the Applicant and his 6 other friends were harassing his daughter by making filthy comments. His daughter has made a complaint to the Management at the first instance and in vacation, when she came to home, she has informed him and other family members about harassment meted out to her by the present

Applicant and other co-accused. In view of this, the Informant and his daughter had lodged report at Mankapur Police Station on 17.05.2022 vide Crime No. 112/2022 for the offences punishable under Sections 354, 354(A) read with 34 of IPC. The present Applicant was one of the accused in the said crime. The Informant has further contended that his daughter was under depression and was required to take treatment with Doctor and thereafter she committed suicide by hanging herself. On the basis of the said report Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant who submitted that from the recitals of the FIR itself nowhere it reveals that it was the abetment at the hands of the present Applicant which drives the deceased to commit suicide and there was no other alternate but to commit suicide. He submitted that, considering the entire allegation in the FIR no offence is made out as far as Section 108 of BNS is concerned. As the investigation is now practically completed and further incarceration is not required, he prays for release of the present Applicant on bail. He further submitted that, the other co-accused are already released on bail in the event of their arrest.

4. *Per contra*, learned APP, strongly opposed the said application and submitted that, two suicide notes are seized after the incident, which discloses the name of the present Applicant in the alleged incident. He submitted that from the suicide notes, the role of the present Applicant reveals, and therefore, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it alleged that due to harassment at the hands of the present Applicant and other co-accused deceased has committed suicide by hanging herself. On perusal of both the suicides notes except the name is mentioned in the same, otherwise no ingredients as to the abetment are revealed from the said suicide notes. It only discloses that she has no any other option but to commit suicide. It is nowhere mentioned that it was the continuous harassment at the hands of the present Applicant, and therefore, she committed suicide.

6. Now this aspect is well settled by the decisions of the Hon'ble Apex Court. A question arises as to when the person is said to have instigated another, the word of instigate literary means to goad or urge to provoke or to do an act which the person otherwise would not do that. It is well settled that in order to amount the abetment there would be *mens rea* without knowledge or intention there cannot be any abetment. The knowledge or intention must relate to the acts said to be abeted which in this case is the act of committing suicide. Therefore in order to constitute abetment by instigation there must be a direct incitement to do the culpable act.

7. In the light of the above legal principles, the facts of the present case are taken into consideration. At this stage the present Applicant has made out the case for grant of bail. Accordingly, I proceed to pass the following order.

**ORDER**

- i. The Application is **allowed**.
  - ii. The Applicant – Virendra Singh S/o Samandar Singh Tongar in connection with Crime No.108/2025 registered with Police Station Bajajnagar, Nagpur for the offence punishable under Sections 108, 3(5) of the Bhartiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
  - iii. The Applicant 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 Applicant shall not enter into the jurisdiction of Bajajnagar Police Station.
  - v. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
8. Pending application/s, if any, shall stand disposed of accordingly.

**(URMILA JOSHI-PHALKE, J.)**