

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 222 OF 2025
YOGESH TANAJI SONWAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Darshan Singh Rajpurohit i/by
Mr. Ritesh M. Thobde

APP for Respondents/State : Mr. Shrikant H. Yadav

Advocate for Respondent No.2 : Mr. Jolly Bhutelo

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CORAM : MEHROZ K. PATHAN, J.

DATE : 9th JUNE 2026

PER COURT :

1. Heard the learned Counsel for the Applicant, the learned Counsel for Respondent No.2 and the learned APP Mr. Patil for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No. 514/2024 registered with Kurduwadi Police Station, District Solapur Rural for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that one Laxmi Dilip Dive, lodged complaint at Kurduwadi police-station on 26/11/2024

alleging therein that she is residing at Mahadevwadi, Tal. Madha along with her family members. On 23/11/2024 when she was present in her house, her son Abhijit Dive had come towards her milk diary at about 9:00 am. Thereafter, at about 11:00 am he proceed towards their field along with tractor for bringing fodder. Then, at about 2:00 pm he returned towards house. Then, after taking dinner he proceed with pick-up vehicle for bringing fodder. Then, at about 3:30 he was returning towards house, at that time Yogesh Sonwar restrained to him and demanded money to him and if at that moment he failed to give amount he will kill him. Thereafter, at about 5:00 pm he proceed towards field and returned at about 6:00 pm. Her younger son come from the sugarcane factory and they come to know from the villagers that Abhijit committed suicide in field by hanging on neem tree. Then, after funeral ceremony her son Ganesh narrated to her that on that day at about 4:30 pm deceased Abhijit had called to him and he told him that Yogesh Sonwar demanding the said amount and he is giving mental torture. Thereafter, he called to Yogesh and asked, "why you are giving trouble to Abhijit". At that time, accused told that his amount is due with Abhijit and then he cut off his mobile. Thereafter, deceased Abhijit kept status on his mobile as, "good-by". It is thus alleged that, due to harassment given by accused the deceased has committed suicide. With these allegations, FIR is registered against accused.

4. The learned Counsel for the Applicant submits that the Applicant is falsely implicated in the belated FIR, which was filed one

month after the incident. The deceased died on 23.11.2024, whereas the FIR was lodged on 24.12.2024 as an afterthought, only with an intention to recover the amount from the present Applicant. There were business transactions between the Applicant and the Complainant's brother, deceased Abhijeet, who was running a milk dairy business. The Applicant was merely asking for repayment of his money from the deceased, which by itself would not amount to abetment or instigation to commit suicide. The offence under Section 108 BNS is doubtful and cannot be said to be made out, at least against the Applicant. This Court has protected the Applicant vide order dated 24.01.2025. The Applicant has complied with the conditions and attended the police station and cooperated with the investigation. The Applicant is further ready to abide by any conditions that may be imposed by this Court. Hence the Applicant may be protected.

5. As against this, the learned APP as well as the learned Counsel for the Respondent No.3 strongly oppose the present application on the ground that the Applicant is involved in the serious offence of abetment of commission of suicide, which is punishable with ten years of imprisonment. The offence is serious in nature. The custodial interrogation of the Applicant is necessary. The call detail records (CDRs) available on record show that the Applicant had the last conversation with the Complainant's brother, deceased Abhijeet, on the date of the incident, i.e., 23.11.2024. On 22.11.2024 also, the Applicant had a conversation with the deceased

Abhijeet for about 189 seconds. There is every likelihood that custodial interrogation of the Applicant may reveal incriminating material which would assist the prosecution in bringing home the guilt of the Applicant in the present crime. Hence this is not a fit case to grant anticipatory bail to the Applicant. Hence the application may be rejected.

6. I have gone through the investigation papers made available by the learned APP. The investigation appears to be almost complete. The Applicant is already protected by this Court vide its interim order dated 24.01.2025. There are no allegations against the Applicant of violating any conditions imposed by this Court. The statements of the mother, brother, and father of the deceased have already been recorded, reiterating the allegations in the FIR. Thus, there is no necessity for the custodial interrogation of the Applicant. The apprehensions of the learned APP can be addressed by imposing appropriate conditions on the Applicant. Considering that the Applicant was protected vide interim order dated 24.01.2025, and that he has attended the police station and cooperated with the investigation, I find no impediment in confirming the interim order and releasing the Applicant on bail. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 24.01.2025 is hereby confirmed.
- (iii) The Applicant shall attend Kurduwadi Police Station, District

Solapur Rural on every Saturday between 11:00 am. to 01:00 pm. till the filing of the charge-sheet.

(iv) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or his relatives.

(v) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(vi) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE

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