

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

CRIMINAL APPLICATION (BA) NO. 1374/2025

(Amol Rajaram Sarode & anr. Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. D. D. Chourgade, Advocate for applicants.
Mrs. M. Deshmukh, APP for respondent/State.

CORAM: M. M. NERLIKAR, J.

DATED : 08/01/2026.

Heard the learned counsel for the applicants and
the learned APP for non-applicant

2. The present application is filed under Section 483 of the Bhartiya Nagrik Surksha Sanhitha, 2023 ("BNSS") for grant of regular bail in connection with Crime No. 517/2025 registered with Police Station Borkhedi, Dist. Buldhana for the offence punishable under Sections 108, 115(2), 118(1), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS").

3. The story of the prosecution is as under:-

That on 18.11.2025, the informant namely Alka Ravindra Shelke cousin sister of the present applicants lodged report with the Police Statoin Borkhedi, Dist. Buldhana alleging that her husband has committed suicide and the present applicants are responsible for the said suicide. It is alleged that cousin brother of the informant used to harass her husband as he used to look after the

agricultural field belonging to the informant by stating that he is living off on his wife's property. On 16.11.2025 at 01.00 p.m. dispute arose between the cousin brothers and informant's husband over boundary of the agricultural field. It is further alleged that applicants assaulted her and her husband with fists and kicks blows and also used abusive language against them. There are further allegations that there was constant harassment at the hands of the applicants and therefore, in the mid-night of 17.11.2025 and 18.11.2025 Alkas's husband namely Ravindra committed suicide by consuming poisonous substance at the bank of Nalganga river besides the government well in Wagdgaon village and therefore based on these allegations First Information Report ("FIR") came to be registered under Section 108, 115(2), 118(1), 352, 351(2), 3(5) of the BNS.

4. The learned counsel for applicant submits that by no stretch of imagination allegations of abetment of suicide can be attributed to the present applicants. There was no intention on part of the applicants that deceased should commit suicide. Merely due to some dispute over boundary of the agricultural field that by itself will not lead to the conclusion that the applicants have abetted the suicide. The allegation of harassment at the hands of the applicants are false and therefore, he submits that the ingredients of Section 108 of the BNS are not made out, therefore he submits that the applicants deserve to be enlarged on bail bail.

5. On the other hand, the learned APP vehemently submits that there was constant harassment at the hands of the present applicants to Alka and her deceased husband. There is no dispute that there was boundary dispute between the parties, however they used to harass the deceased by saying that deceased was living at the mercy of Alka and therefore, this fact itself is sufficient to invoke the provisions of Section 108 of the BNS. He further submits that the crime was recently registered and till today, even the charge-sheet is not filed and therefore, the applicants do not deserve to be enlarged on bail.

6. After hearing both the parties, it appears that the FIR was registered on 18.11.2025 and the applicants were taken into custody on 19.11.2025. It further appears that from the FIR that incident dated 16.11.2025 took place between the parties which in no way can be said to be attributable for commission of suicide by the deceased. Prima facie it appears to this Court that no ingredients of Section 108 of the BNS are made out. Considering the fact that the applicants are already in Jail since 19.11.2025 and there is no sufficient material to connect the applicants with the alleged offence, I am of the opinion that bail is required to be granted, hence the following order:-

ORDER

(I) The application is allowed.

(II) The applicants be released on bail in Crime No.517/2025 for the offence punishable under Sections 108, 115(2), 118(1), 352, 351(2), 3(5) of the BNS on

furnishing a P.R. Bond of Rs. 25,000/- each with two solvent surieites each in the like amount.

(III) The applicants will not tamper with the evidence or influence or contact the witnesses directly or indirectly.

(IV) The applicants shall not enter into the vicinity of Borakhedi Village

(V) The applicants shall attend the trial regularly and two defaults would entail the State to apply for cancellation of bail.

7. Application stands disposed of in above terms.

(M. M. NERLIKAR, J.)

Gohane