



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

CRIMINAL APPLICATION [ABA] NO. 983 OF 2025

SANDIP ARUN KHARAD

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., PATUR, DIST. AKOLA
WITH

CRIMINAL APPLICATION [ABA] NO. 999 OF 2025

RAKESH S/o BHUPENDRA GANDHI

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., PATUR, DIST. AKOLA

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

ABA No. 983/2025

Mr. Anil Mardikar, Senior Advocate with Mr. G. B. Mate, Advocate for the applicant.

Mr. C. A. Lokhande, A.P.P. for the State

Mr. Mandar Deshpande, Advocate for comp. (assist to prosecution)

ABA No. 999/2025

Mr. J. B. Gandhi, Advocate for the applicant

Ms. D. V. Sapkal, A.P.P. for the State.

Mr. Mandar Deshpande, Advocate for comp. (assist to prosecution)

CORAM : M. W. CHANDWANI, J.

Order Reserved on : February 09, 2026

Order Pronounced on : February 16, 2026

1. Since, both the applications arise out of the same crime, they are being disposed of by this common order.

2. Heard Mr. Anil Mardikar, learned Senior Advocate and Mr. J.B. Gandhi, learned counsel appearing on behalf of the applicants, Mr. C.A.Lokhande and Ms. D.V. Sapkal, learned A.P.P. appearing on behalf of the State and Mr. Mandar Deshpande, learned counsel for the complainant, to assist the prosecution.

3. The applicants are apprehending arrest in connection with Crime No. 346/2025 registered with Police Station, Patur, Dist. Akola for the offences punishable under Sections 108, 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. The FIR was lodged by complainant Rajesh Wamanrao Patekhede alleging that on 26.11.2025 his younger brother Gopal committed suicide by hanging himself. It is stated in the report that before committing suicide, the deceased had prepared a video in which he disclosed the cause for taking such a drastic step. The video clip reveals that deceased Gopal had borrowed loan from the applicants. Though, he repaid the entire loan to both the applicants, they forcefully got the sale deed of the agricultural land executed in their favour. They demanded the amount of Rs.7,00,000/- to 8,00,000/- and interest @ 20% for getting the agricultural land back. Therefore, due to such harassment at the hands of the applicants, he committed suicide. The FIR further reveals that on enquiry by the complainant with the office of the Sub Registrar, it was revealed that the sale deed was executed by the deceased in favour of the applicants on 12.11.2025.

5. The learned Senior Counsel for the applicants vehemently submits that the alleged act of the applicants does not amount to the offence of abetment, since there is

no *mens rea* on the part of the applicants to abet the deceased to commit suicide. To buttress the submission, reliance is placed on the decision of the Supreme Court in the case of *Abhinav Mohan Delkar .vs. State of Maharashtra*, reported at *2025 SCC Online SC 1725* wherein, it has been held that merely on the allegation of harassment, without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of section 306 IPC is not sustainable. A 'live link' or 'proximate trigger' is essential to connect accused's actions to the suicide.

6. In the case at hand, the investigation is at a primary stage. Since, the charge-sheet has not be filed, it will be difficult to accept the submission that the act of the applicants will not amount to abetment, as the same is a matter of trial.

7. The deceased in recorded video has specifically named both the applicants and has clearly stated that they continuously harassed him. The deceased has also stated that he is left with no option but to take his own life because if he does not do so, the applicants will surely kill him. The allegation is not only of getting the sale deed of the land of the deceased executed forcefully, but also of demand of more money and interest. The record reveals that the applicants were continuously harassing the

deceased and even threatened to kill him. It appears from the record that due to harassment at the hands of the applicants, the money lenders, the deceased committed suicide. The investigation is at a very primary stage. The allegations against the applicants are serious in nature and therefore, effective interrogation of the applicants in custody is necessary to go to the root of the case.

8. In *Abhinav Mohan Delkar's* case (*supra*), the observations made by the Supreme Court are in an appeal arising out of the applications filed by the accused for quashing of the FIR, which were allowed by the High Court. The facts of the present case are different than the case cited. Therefore, the decision of *Abhinav Mohan Delkar (supra)* relied upon by the applicants will not help them.

9. Considering the nature of allegations and the gravity of the offence, I am not inclined to exercise the discretion of extraordinary relief of anticipatory bail in favour of the applicants.

10. Accordingly, the criminal applications are rejected.

(M.W.Chandwani, J.)