



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

CRIMINAL APPLICATION [BA] NO. 56 OF 2026.

1. Maroti Chandrabhan Shikare.
2. Sanjay Maroti Shikare.
3. Bhagyashree Sanjay Shikare.
4. Vanita Maroti Shikare.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri T.U. Tathod, Advocate for Applicants.
Ms P. Bawankule, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 04, 2026.

Heard.

2. Applicants came to be arrested in connection with Crime No.386/2025 registered with Pusad Rural Police Station, District Yavatmal for the offence punishable under Sections 108, 115[2], 351[2], 351[3], 352, 3[5] of the Bhartiya Nyaya Sanhita (BNS).

3. The first information report came to be lodged by one Nilabai Pawar, alleging that the applicants were in a habit of raising quarrel on the property issues. On 06.06.2025, when the construction work of her house was going on, applicants came there

and started quarreling stating as to why they are raising construction over their land. They abused her husband and assaulted him with footwear. On this, husband of the informant committed suicide by consuming pesticide [poison]. Hence the crime came to be registered.

4. The learned Counsel for applicants submits that applicants are neighbours of the deceased. The incident of quarrel took place between them on account of construction of house. It is stated that the deceased was encroaching on their property, and therefore, in the quarrel, applicant no.4 slapped the deceased on his face with the help of footwear. The deceased went inside and consumed pesticide and expired on 11.06.2025. It is submitted that solitary incident is not sufficient to attract Section 108 of BNS. There was no instigation on the part of applicants which would attract Section 108 of the BNS . One solitary incident of a scuffle is not sufficient to conclude that the applicants are responsible for suicidal death of the deceased. It is submitted that the law on this point is well settled, and submits that there should be instigation of such a degree that only option left should be to commit suicide. It is therefore, submitted that considering the allegations, even by no stretch of imagination, it can be said that applicants are responsible for death of the deceased, and therefore they be released on bail.

5. The learned A.P.P. vehemently opposes the application by submitting that the proximity between alleged incident and consumption of insecticide is necessary to be taken into consideration. Immediately after quarrel, the deceased went inside and consumed poison, therefore, she submits that there was no option left with the deceased other than to commit suicide. A specific role has been attributed to the applicant no.4. The said incident was witnessed by the wife [informant], who is eye witness and therefore considering above facts and circumstances, the application is liable to be dismissed.

6. Considering the rival submissions and perusal of records shows that on the date of incident i.e. 06.06.2025, there was quarrel between applicants and deceased on account of construction of house. It is the case of applicants that deceased was trying to encroach upon their property, and therefore, there was quarrel and in that quarrel applicant no.4 has given one slap with footwear on the face of the deceased. Immediately the deceased went inside the house and consumed poison. He was admitted in the hospital where on 11.06.2025 he expired. Only this solitary incident has come on record, which took place between the applicants and deceased which by itself is not sufficient to attract Section 108 of the BNS, there should be high degree of instigation on the part of applicants,

leaving no option with the deceased but to commit suicide. It appears that ingredients of Section 108 of BNS are lacking in the present case. Further considering the fact that investigation is over, and charge sheet is filed, no purpose would be served by keeping applicants behind bar, therefore, I am inclined to grant them bail. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants /accused 1.Maroti Chandrabhan Shikare, 2.Sanjay Maroti Shikare, 3.Bhagyashree Sanjay Shikare, 4.Vanita Maroti Shikare be released on regular bail in connection with Crime No.386/2025 registered with Pusad Rural Police Station, District Yavatmal for the offence punishable under Sections 108, 115[2], 351[2], 351[3], 352, 3[5] of the Bhartiya Nyaya Sanhita (BNS) on their furnishing P.R. Bond of Rs.50,000/- each, with one surety in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as

also shall not tamper with the evidence.

- (v) The accused shall provide their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If they fail to attend the trial on one date, or fails to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE