

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

CRIMINAL APPLICATION NO.29 OF 2026

Gajendra @ Ganesh s/o Samadhan Hiwarale

..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

 Shri A.J. Thakkar, Advocate for the applicant.
 Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 03.02.2026.

Heard the learned Counsel for the applicant and the learned APP appearing for the State.

2. By way of this application, the applicant is seeking bail in connection with Crime No.781 of 2025 registered with the Old City Police Station, District Akola for the offence punishable under Section 107 o108 of the Bharatiya Nyaya Sanhita, 2023. It appears that in the FIR, the applicant has been charged under the wrong provisions as offence punishable should be under Section 107 or 108 and not under Section 308 of the Bharatiya Nyaya Sanhita. The father of the deceased has lodged the FIR against the present applicant alleging that the present applicant has abetted the deceased to commit suicide.

3. Learned Counsel for the applicant submits that the deceased has committed suicide on 02.12.2025. Accordingly, initially AD was registered stating that under the pressure of NEET examination and due to expectation of high score, she has committed suicide.

However, after 15 days of the incident, the father of the deceased has lodged the FIR against the present applicant alleging that there was love affair between his daughter and the applicant and there was consistent harassment at the hands of the applicant. Before committing the suicide there was telephonic conversation between the applicant and the deceased that too before two hours of the incident. However, even if the allegations in the FIR are taken as it is, the ingredients of Section 108 would not attract and hence, the applicant be enlarged on bail.

4. Per contra, learned APP appearing for the State opposes the application on the ground that initially the AD was registered wherein the contents shows that due to pressure of NEET examination the deceased had committed suicide. However, at a later point of time, father has disclosed everything and accordingly, registered the FIR alleging the harassment at the hands of the applicant as there was love relationship between his daughter and the applicant. It is also submitted that the investigation is going on and the charge sheet is yet to be filed. The fact remains that before two hours of the incident, there was conversation between the deceased and the applicant and thereafter only she has committed suicide, which proves that due to harassment of the applicant, the deceased has committed suicide. There is proximity between the last call and the alleged incident and therefore, it is not a fit case to grant bail to the applicant especially when the investigation is going on.

5. Upon hearing the rival submission of the parties

admittedly, it reveals that initially there was registration of AD, which stated that due to the pressure of NEET examination she has committed suicide. However the FIR has been registered on 17.12.2025 i.e. after 15 days of the incident under Section 107/108 of the BNS. From the report it appears that there was a love relationship between both of them and there was also one incident wherein the applicant had assaulted the deceased. Admittedly, before two hours of the incident, there was conversation between them. However, from the entire FIR it is *prima facie* very difficult to accept the fact that the present applicant has instigated the deceased to commit suicide especially for the reason that the applicant was residing in Buldana whereas the deceased has committed suicide at Akola. The very fact remains that in order to attract Section 107/108, there should be instigation and that too of high degree, which compelled the deceased to commit suicide.

6. In this view of the matter, considering the nature of allegation, I am of the opinion that this is a fit case to enlarge the applicant on bail on certain terms and conditions. Hence, the following order :

- (a) The application is allowed.
- (b) The applicant/accused Gajendra @ Ganesh s/o Samadhan Hiwarale in connection with Crime No.781 of 2025 registered with the Old City Police Station, District Akola be released on bail on furnishing P.R. bond of Rs.25,000/- with one to two sureties in the like amount
- (c) The accused shall attend each and every date

of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

- (d) The accused shall provide his residential address and cell number to Police station concerned and shall not change his place of residence without prior intimation to the investigating Agency.
- (e) The applicant/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.

7. The observation of this Court are *prima facie* in nature and the Trial Court shall not be influenced by the same.

8. All Misc. Application(s) pending, if any, shall also stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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