

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

CRIMINAL APPLICATION (BA) NO. 196/2026
(Bhimdeo S/o Sheshrao Rathod 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. R.M. Daga, Advocate for applicant.
Mr. V.A. Thakare, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 09/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.573/2025 registered with Police Station Pusad (Rural) for the offence punishable under Sections 108, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita ("BNS").

3. Brief facts of the prosecution story is that on 22.09.2025 informant Namdeo brother of the applicant has lodged report alleging therein that he is residing in Mumbai and applicant was residing at Village Bhonsara along with father Sheshrao and mother Vimalbai. It is alleged that applicant was in habit of gambling and used to ask money from his parents and was harassing them due to which on 22.08.2025, their parents consumed poison. They were admitted in the hospital at Pusad and during

treatment they passed away. Therefore, on 22.09.2025 informant lodged the report and after the investigation, charge-sheet came to be filed against the applicant and his wife Dipa.

4. The learned counsel for the applicant submits that the ingredients of Section 108 of the BNS are not made out. Deceased are the parents of the applicant i.e. father and mother, who died by consuming poison. He submits that the brother of the applicant has lodged the report after the incident, alleging that the applicant was in habit of gambling and consuming liquor and would frequently ask money from the parents and due to this reason, the parents have committed suicide by consuming poison. According to the learned counsel even if allegations are taken on its face value, it cannot be said that the applicant had abetted suicide. He submits that the applicant is in jail since 22.09.2025 and the investigation is over and charge-sheet is filed, therefore the applicant deserves to be granted bail.

5. On the other hand, the learned APP opposes the application and submits that there is an oral dying declaration of father – Sheshrao Rathod which was made

to the daughter of the deceased, wherein it is alleged that that due to harassment by the applicant and his wife, they have consumed poison by mixing it with their meal. The learned APP further submits that no doubt the FIR was lodged after one month of the incident, by the brother of the applicant alleging that applicant used to harass his parents by asking money for gambling and used to frequently consume liquor, however same was lodged after his parents passed away during the treatment in the hospital and therefore, there is no delay in lodging the FIR. Not only, there is instigation at the hands of the applicant and his wife, but also there is harassment which has led to the commission of suicide by the parents, therefore he submits that the applicant does not deserve bail.

6. I have considered the rival submissions. Admittedly, the parents have committed suicide by taking poison in the meal. It further appears that the applicant was residing with the deceased and parent, the informant was residing in Mumbai. It further appears that after a month from the date of incident, the FIR was registered. However, there is no explanation as to delay caused in lodging the FIR. As far as oral dying declaration is

concerned which was made by the deceased-father to his daughter- Manda, at no point of time, she has disclosed this fact to anyone.

7. In view of aforesaid, considering the nature of allegations and the fact that the applicant is in jail since 22.09.2025 and now investigation is over and charge sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Bhimdeo S/o Sheshrao Rathod be released on bail in connection with Crime No.573/2025 registered with Police Station Pusad (Rural) for the offence punishable under Sections 108, 351(2), 351(3), 3(5) of the BNS on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) 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.
- (iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) The applicant/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.

8. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation.

(M. M. NERLIKAR, J.)

Gohane