

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

CRIMINAL APPLICATION (ABA) NO. 144 OF 2026

(Tanmay s/o Vijay Gawai Vs. State, thr PSO, PS Chikhali, Dist Buldhana)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. M.V. Rai, Advocate for applicant.
Mr. S.B. Bissa, APP for non-applicant /State.
Mr. R. V. Gahlot, Advocate to assist prosecution.

CORAM : RAJNISH R. VYAS, J.

DATE : 15.04.2026

Heard.

1. Apprehending arrest, the applicant has preferred this application for anticipatory bail in connection with Crime No. 72 of 2026, dated 24.1.2026, registered with the Police Station Chikhali, Dist. Buldhana, for offence punishable under Sections 108 of the Bharatiya Nyaya Sanhita, 2023.

2. The sole accused has approached this Court for anticipatory bail. The learned counsel for the applicant submitted that though the prosecution has alleged that it is the present applicant who has abetted commission of suicide, fact remains that on perusal of the FIR it would reveal that prima facie, case is made out for grant of anticipatory bail. He further submitted that present applicant has no criminal antecedents and was working with MSEDCL as Electrical Assistant. He submitted that

Belkhede, PS

admittedly, there was love relations between the applicant and the deceased and unfortunately, the victim committed suicide. The learned counsel for the applicant submits that the applicant is ready to surrender his mobile. The learned counsel has submitted that the applicant is ready and willing to cooperate in the investigation. He contended that custodial interrogation is not at all required. Per contra, learned APP as well as learned counsel for the informant contended that the applicant used to send messages containing obscene and inappropriate language to the victim and that was the reason for suicide.

3. I have gone through the record, so also, given thoughtful consideration to the argument advanced. The offence alleged is under Section 108 of the BNS. It is the case of prosecution through informant by name Ramdas Sarkate stated that his daughter by name Rupali was having love affair with the applicant. The applicant was son of cousin sister of the informant. It was also stated that applicant had gifted mobile phone to deceased named Rupali and used to have telephonic conversation with her. According to FIR, the marriage was fixed in Summer but on 24.1.2026, said Rupali committed suicide. It was stated that at that time, she was talking on mobile phone with the applicant. It is in this background, the prosecution has come with a case that the applicant has refused to perform marriage and that was the reason for suicide. At this stage, question whether refusal to perform marriage will constitute offence under Section 108 of BNS can be decided during the course of trial. So far as use of

vulgar language on mobile phone is concerned, commenting anything on that aspect, at this stage, would affect outcome of the trial. At the same time, it can be said that chats itself would not be sufficient to constitute the instigation as warranted for the offence registered. It is not even the case of the prosecution that the applicant has any criminal antecedents. Though there are several messages and calls between applicant and deceased, it cannot be ignored that there was love affair between the applicant and the deceased, and therefore, exchange of several calls cannot be said to be a suspicious fact. The learned counsel for applicant submitted that apprehension of prosecution can be taken care of if he is directed to surrender his mobile, in view of this, and as the applicant himself has shown his willingness to produce mobile, following order is passed.

ORDER

- i) The applicant shall surrender his mobile to the custody Investigating Officer on or before 18.4.2026.
- ii) In the event of arrest, in connection with Crime No. 72 of 2026, dated 24.1.2026, registered with Police Station Chikhali, Dist. Buldhana, for offence punishable under Sections 108 of the Bharatiya Nyaya Sanhita, 2023, the applicant be released on anticipatory bail on furnishing PR. bond of Rs. 55,000/- (Rs. Fifty Five Thousand only) with one solvent surety in the like amount.

- ii) The applicant shall attend the concerned Police Station on 18th, 19th 25th and 26th of this month, between 12.00 Hrs to 16.00 Hrs.
 - iii) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence witnesses.
 - iv) The applicant shall not leave India without prior permission of the Court.
4. The application is disposed of accordingly.

(RAJNISH R. VYAS, J.)