



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

CRIMINAL APPLICATION (ABA) NO.188 OF 2026

Vilas s/o Damaji Walke and another

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 P.M. Ukey, Advocate for applicants.

Shri N.R. Rode, AGP / APP for respondent/State.

Shri T.S. Kene, Advocate for informant/assist to prosecution.

CORAM : RAJNISH R. VYAS, J.

DATE : 15.04.2026.

1. Apprehending the arrest in connection with Crime No.283/2026 dated 16.02.2026 registered with the Police Station, Ballarshah, District Chandrapur for the offences punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), the applicants have approached this Court.

2. In short, it is the case of the prosecution that on 13.01.2026, father of the informant had committed suicide by hanging. On the same day, suicide note was also found. It is stated in the suicide note that on 11.01.2026 the present applicants had beaten the father of the informant mercilessly, due to which he sustained severe pain in his chest and therefore, committed suicide. It is on narration of these facts, the criminal law was set into motion.

3. The learned counsel for the applicants has contended that even if the allegations made in the FIR are taken to be true, it would not prima facie constitute offence punishable under Section 108 of the BNS. He submitted that the investigation in the crime is almost completed and custodial interrogation of the applicants is not at all required.

4. *Per contra*, the learned APP vehemently contended that the deceased was 70 years old; whereas, the present applicants are 53 and 23 years respectively, who have mercilessly beaten the deceased due to which the father of the informant committed suicide. He thus prayed for rejection of the application.

5. The learned counsel for the informant has also supported the stand taken by the learned APP for the State and contended that prima facie material is available against the applicants.

6. Having heard the learned counsels for the respective parties and having gone through the case diary, it reveals that the incident was narrated in the FIR dated 16.02.2026 that on 11.01.2026 the applicants had mercilessly beaten the father of the informant, due to which he sustained severe pain in his chest and ultimately he committed suicide. The question whether the said act of the applicants would constitute an abetment and consequently attract the ingredients of the offence punishable under Section 108 of

the BNS is a matter of trial, but suffice it to say that, prima facie, the prosecution has not satisfied the ingredients of offence under Section 108 of the BNS. The investigation of the crime is on the verge of completion. Suicide note is already seized. The applicants have no criminal antecedents and therefore, the following order is passed:

ORDER

- (i) The application is allowed and disposed of.
- (ii) In the event of arrest in connection with Crime No.283/2026 dated 16.02.2026 registered with the Police Station, Ballarshah, District Chandrapur for the offences punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, applicants – (1) **Vilas S/o Damaji Walke** and (2) **Rahul s/o Vilas Walke** shall be released on bail on furnishing a PR bond of ₹50,000/- [Rupees Fifty Thousand only] each with one solvent surety each in the like amount.
- (iii) The applicants shall attend the concerned Police Station on 19.04.2026 between 03.00 pm to 06.00 pm.
- (iv) The applicants shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.
- (v) Breach of any condition would be a ground for the prosecution to move cancellation of bail.

(vi) The applicants shall not leave India without prior permission of this Court.

(Rajnish R. Vyas, J.)

Wagh