



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

CRIMINAL APPLICATION (ABA) NO. 192 OF 2026

NAWED KHAN AHMAD KHAN

VS

STATE OF MAHARASHTRA THR PSO., PS DARWHA, TQ. DARWHA DIST. YAVATMAL

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri H.K.Mirza, Advocate for applicant.
Ms. D.V.Sapkal, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 17th APRIL, 2026.

Apprehending the arrest, the applicant/original accused no. 1 has preferred this application for the grant of anticipatory bail in connection with First Information Report/Crime No. 101/2026, dated 05/02/2026, registered with Police Station Darwaha, District Yavatmal for the offence punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. The FIR was registered at the instance of informant Jamil Khan Mustafa Khan. There were two accused in the FIR and applicant is the original accused no. 1. So far as the original accused no. 2 - the mother of the applicant is concerned, she is already released on anticipatory bail by the Sessions Court.

3. In short, it is the case of the informant that, his daughter by name Ansira, aged about 16 years, was having love affair with accused no. 1. It was alleged that, though the informant and his wife had tried to convince Ansira

that, she being a minor, her marriage could not be performed, and that once she attains majority, they would arrange her marriage with a groom of her choice, but the said Ansira continued her relationship. It was further alleged that, on 20/06/2025 at about 02.00 O'clock in the night, when the wife of informant woke up, she found that, Ansira was not in the house, therefore, the search was made. It was then seen that, Ansira was coming out of the house of the applicant. In order to avoid defamation in the society, the informant and his wife took Ansira in their house. On the next day, Ansira went to the house of the applicant and said that, the applicant had ruined her life and had played fraud upon her, and had also defamed her mother and father. According to the FIR, the co-accused i.e. mother of the applicant also used improper language saying that, the said Ansira was a girl of easy virtue and also a prostitute. According to the FIR, the applicant had refused to perform the marriage with the said Ansira. Due to the humiliation meted out to the said Ansira, she remained under stress. Though she was tried to console by the informant and his wife, on 01/7/2025, the said Ansira committed suicide in the house by hanging.

4. It is this incident that triggered the registration of FIR. The learned counsel for the applicant has contended that, even if, the allegations made in the FIR are taken as it is no man of ordinary prudence would arrive at the conclusion that the applicant has committed the offence. He submitted that, for registration of an

offence of abetment to suicide, the prosecution is under an obligation to bring the material on record to show that, there was actual abetment. Thus, he prayed for allowing the application.

5. Per contra, the learned APP for the State has contended that, the applicant was elder than the deceased and he abused the deceased so also humiliated her. She submitted that, initially, the applicant agreed to perform the marriage with the deceased, but thereafter, he did not honour it. It is due to this reason, the said Ansira committed suicide. Thus, she prayed for rejection of application.

6. With the assistance of the learned counsels for the respective parties, I have gone through the record produced before me and have given thoughtful consideration to the arguments advanced. Since this is an application for anticipatory bail in death, appreciation of the material on record is not necessary. What emerges from the FIR is that, the applicant was having the love affair with the deceased and he agreed to perform the marriage with her, but subsequently, the deceased was humiliated by the applicant and co-accused. It is clear from the FIR that, due to humiliation, the deceased remained under mental stress and ultimately, she committed suicide. *Prima facie*, the aforesaid allegations fail to make out a case against the applicant that, he abetted the commission of suicide.

7. The contention of the learned APP that, applicant has not surrendered his mobile phone to the investigating agency, needs to be taken into consideration. The learned counsel for the applicant submits that, he will handover the mobile phone to the investigating agency, within a period of one week from today. In view of discussion made above, the following order is passed:-

ORDER

- i) The application is **allowed**.
- ii) In the event of arrest, in connection with Crime No. 101/2026, dated 05/02/2026, registered with Police Station Darwha, District Yavatmal for the offence punishable under Sections 108 and 3(5) of the BNS, the applicant be released on bail on furnishing P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station on 19th, 20th and 21st of April, 2026, between 12.00 p.m. to 02.00 p.m.
- iv) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.
- v) The applicant shall not leave the India without prior permission of the Court.
- vi) The application undertakes to produce the

mobile phone before the Investigating Officer on or before 21/04/2026.

vii) Accordingly, the Application stands **disposed of**.

(RAJNISH R. VYAS, J.)

B.T.K.