

MHNG010079702026



**IN THE COURT OF DISTRICT JUDGE-20 AND ADDITIONAL
SESSIONS JUDGE, NAGPUR**

(Presided over by Mr. S.R. Totla)

CRIMINAL BAIL APPLICATION NO.2065 OF 2026

1] Nikita Yogesh Uikey,
Aged Major,

2] Pooja Tekam,
Aged Major,

3] Anand Tekam,
Aged Major,

4] Santkumar Tekam,
Aged Major,

5] Mantulal Tekam,
Aged Major,

6] Rajkumari Mantulal Tekam,
Aged Major,

Applicant Nos.1 to 6 are residents of
Samnapur, Tah. & Dist. Sioni,
State Madhya Pradesh.

..Applicants..

7] Chamribai Dupilal Ukey,
R/o Kalimati, Tah. Kelwari, Dist. Sioni,
State Madhya Pradesh.

-Versus-

The State of Maharashtra,
Through Police Station Officer,
Police Station, Devlapar, Nagpur (Rural)

..Non-applicant..

(A) CASE DETAILS		
1	FIR Number & Date	281/2026
2	Police Station, District and State	Police Station Devlapar, Nagpur (Rural), Dist. Nagpur

3	Section invoked	108, 3(5) of the Bharatiya Nyaya Sanhita, 2023
4	Maximum Punishment prescribed	10 years
(B) CUSTODY & PROCEDURAL COMPLIANCE		
1	Date of Arrest	Not applicable
2	Total Period of custody undergone	Not applicable
(C) STATUS OF TRIAL		
3	Stage of Proceedings (Investigation, Chargesheet/ Cognizance/Framing of charges/Trial)	Investigation is presently in progress
4	Total number of witnesses cited in the charge sheet	Not applicable
5	Number of prosecution witnesses examined	Not applicable
CRIMINAL ANTECEDENTS		
1	FIR No. & Police Station	No
2	Sections	No
3	Status (Pending/Acquitted/Convicted)	Not applicable
PREVIOUS BAIL APPLICATIONS		
1	Court	No
2	Case No.	No
3	Outcome of Case	No
COERCIVE PROCESSES		
1	Whether any Non-bailable warrant was issued	Not applicable
2	Whether declared a proclaimed offender	Not applicable

ORDER BELOW EXHIBIT NO.1

(Passed on this 21st day of July,2026)

1] This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in connection with Crime No. 281/2026 registered at Police Station Devlapar, District Nagpur, for the offence punishable under Section 108 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2] Perused the application, the reply/say filed by the prosecution, the First Information Report and the case diary.

3] Heard the learned counsel for the applicants and the learned Additional Public Prosecutor for the State.

4] The learned Additional Public Prosecutor vehemently opposed the application. It is submitted that during the course of investigation, a diary allegedly maintained by the deceased has been seized, wherein it is stated that all the accused are responsible for the death of the deceased. It is further submitted that despite being called, the applicants did not report to the Investigating Officer, remained unavailable at their residence and thereby did not cooperate with the investigation. It is also contended that if the applicants are granted anticipatory bail, there is every likelihood of their influencing or threatening the prosecution witnesses and thereby hampering the investigation. On these grounds, it is prayed that the application be rejected.

5] Per contra, the learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated. It is argued that even if the allegations in the First Information Report are accepted at their face value, the essential ingredients of the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita are not prima facie disclosed against the applicants. It is further submitted that there is no allegation of any positive act of instigation, intentional aid or active participation on the part of the applicants immediately preceding the commission of suicide.

6] The learned counsel further relied upon the following decisions of the Hon'ble Supreme Court:

(i) **Geo Varghese v. State of Rajasthan (2021 INSC 618)**, wherein it has been held that disciplinary action, reprimand or ordinary conduct, in the absence of deliberate harassment or intention to provoke the victim to commit suicide, would not constitute abetment.

(ii) **Sanju @ Sanjay Singh Sengar v. State of Madhya Pradesh (2002 INSC 250)**, wherein it has been held that mere abusive language or words uttered during a quarrel, without the requisite mens rea or direct instigation, do not amount to abetment of suicide.

(iii) **M. Arjunan v. State (2018 INSC 1150)**, wherein it has been reiterated that there must be clear evidence of instigation, intentional aid or active participation for constituting the offence of abetment of suicide.

(iv) **Ranveet Kaur v. State of Punjab and others**, wherein it has been observed that omnibus allegations or absence of specific overt acts directly connected with the commission of suicide would not justify prosecution for the offence of abetment.

7] I have carefully considered the rival submissions and perused the material available in the case diary.

8] The case diary reveals that the spot panchnama has been completed, statements of material witnesses have been recorded, the diary allegedly maintained by the deceased has already been seized and forwarded to the Handwriting Expert for examination, and the Call Detail Records (CDR) as well as Subscriber Detail Records (SDR) of the deceased and the accused persons have also been collected. Thus, substantial progress has already been made in the investigation and the material evidence presently available has been secured by the Investigating Officer.

9] The prosecution has placed considerable reliance upon the diary allegedly written by the deceased, wherein the names of the accused persons are stated to have been mentioned. However, the said diary has already been seized and sent for expert examination. At this stage, the correctness, authenticity, evidentiary value and the effect of the contents of the said diary are matters which will be examined during the course of investigation and ultimately appreciated during trial. The mere existence of such a diary, by itself, cannot be treated as a circumstance necessitating custodial interrogation of the applicants.

10] The principles laid down by the Hon'ble Supreme Court in the decisions relied upon by the learned counsel for the applicants make it clear that, to constitute an offence of abetment of suicide, there must be prima facie material indicating instigation, intentional aid or active participation on the part of the accused. Mere allegations, ordinary disputes, reprimands or omnibus accusations, in the absence of the essential ingredients of abetment, would not by themselves attract the offence. Without expressing any final opinion on the merits of the prosecution case, this Court finds that the question whether the material ultimately satisfies the ingredients of Section 108 of the Bharatiya Nyaya Sanhita is a matter to be decided after completion of the investigation and during trial.

11] So far as the objection of the prosecution that the applicants did not remain available during investigation is concerned, the same can be adequately addressed by imposing suitable conditions directing the applicants to remain present before the Investigating Officer whenever required and to extend full cooperation during the course of investigation. Likewise, the apprehension expressed by the prosecution regarding influencing witnesses can also be sufficiently safeguarded by imposing appropriate conditions while granting anticipatory bail.

12] The prosecution has not pointed out any specific investigative purpose for which custodial interrogation of the applicants is presently indispensable. Having regard to the nature of the allegations, the stage of investigation, the fact that the documentary and electronic evidence has already been collected

and secured, and the availability of adequate safeguards by imposing appropriate conditions, this Court is of the opinion that custodial interrogation of the applicants is not necessary at this stage.

13] Considering the totality of the circumstances, this Court is satisfied that the applicants have made out a fit case for exercising the discretionary jurisdiction under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

14] Hence, the following order:

ORDER

- 1] The application (Exh. 1) for grant of anticipatory bail is allowed.
2. In the event of arrest in connection with Crime No. 281/2026 registered at Police Station Devlapur, District Nagpur, the applicants shall be released on bail on executing a Personal Recognizance Bond of ₹25,000/- each with one solvent surety each in the like amount.
3. The applicants shall attend Police Station Devlapur as and when called upon by the Investigating Officer and shall fully cooperate with the investigation.
4. The applicants shall provide respective residential addresses, mobile numbers, and email addresses (if any). The applicant/accused shall intimate any change in his address, telephone number, or email ID to the Court and the Investigating Agency forthwith.
5. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to the Court or to any police officer.

6. The applicants shall furnish their present residential addresses and mobile numbers to the Investigating Officer and shall intimate any change therein during the pendency of the investigation.

7. The applicants shall not tamper with the prosecution evidence or otherwise obstruct the course of investigation.

(S.R.Totla)

Date : 21.07.2026

District Judge-21 and
Additional Sessions Judge, Nagpur

Dictated on	..	21.07.2026
Transcription ready on	..	21.07.2026
Checked and signed on	..	21.07.2026