

MHPA010012852026.



ORDER BELOW EXHIBIT NO. 01 IN
CRIMINAL BAIL APPLICATION NO. 408/2026

Asiya Zafar and others Vs. State

[Passed on 16th June , 2026]

Accused – applicant No.1 Asiya W/o. Mohammad Zafar No.2 Ahsan Nizam Pathan, No. 3 Shaikh Sohel Shaikh Javed and No. 4 Pathan Ali Khan Nizam Khan have filed the application under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 for granting them anticipatory bail in connection with Cr.No.213/2026 registered at Police Station Daithna, Tq.and Dist. Parbhani for offence punishable under Sections 108 r.w.Sec. 3(5) of Bhartiya Nyaya Sanhita, 2023.

02. The prosecution case, in short, is that, informant Sakhubai Rathod on 23.05.2026 lodged report to police station Daithna alleging that accused Ayesha Pathan resides in the same village. She was harassing to her husband intermittently. Hence, her husband was in tension. On 19.05.2026 Digamber Rathod on phone call told her that her husband had sat at Rumna square. One Taufiq Pathan told to Digamber Rathod that he brought to Balaji Rathod by his motorcycle at Salapuri square. Hence, Digamber Rathod went there. After that Taufiq Pathan left the spot. Husband of the informant told to Digamber Rathod that Ali Nizam Pathan, Sohel Pathan and others harassed him. He had illicit relation with Ayesha Pathan since last 10 years. She used to threat him. She and her brother were demanding money to him and threatened to lodge false

case. He had given Rs.10,000/- to the accused. Hence, due to harassment at Rumna Pati he drunken poison by mixing in liquor. Then Digamber Rathod and others brought the husband of the informant at civil hospital, Parbhani. However he died. It has alleged that due to harassment at the hands of the accused husband of the informant committed suicide.

03. On the report the aforesaid crime came to be registered against the accused for the aforesaid offences.

04. It is the contention of the accused-applicant that, they have not instigated the deceased to commit suicide. They have no any concern with the alleged crime. The false report is lodged against them. Accused Asiya on 19.05.2026 lodged report against the deceased that he outraged her modesty. The accused have not directly or indirectly instigated the deceased to commit suicide. There is no any overt act on their part. They are ready to assist I.O. They have no any criminal history. They reside within jurisdiction of this Court, hence, they will not abscond. They have apprehension that police will arrest them. They prayed to allow the application.

05. Ld. APP in his say Exh. 5 has submitted that accused-applicants were demanding money to the deceased. The deceased had illicit relation with accused Asiya. Due to harassment the deceased committed suicide by drinking poison. Mobile of accused Asiya is to be seized. If bail is granted the accused will abscond. The accused will pressurize to the witnesses. He prayed to reject the application.

06. Ld. Adv. Mr. Hasmi has argued that Section 108 of BNS does not attract as the accused have not instigated the deceased to commit suicide. On 19.05.2026 report was lodged against him by accused Asiya regarding outraging her modesty. Nothing is to be recovered from the accused. Seeking legal remedy does not amount to instigation. There is five days delay to file the report. He argued to allow the application. On the other hand, Ld. PP. Mr. Darade has argued that ten lacs rupees is to be recovered. He submitted that anticipatory bail may be granted to accused No. 2 to 4 and be rejected to accused No. 1.

07. On going through the FIR it reveals that before the alleged incident accused had not abetted the deceased to commit suicide. The deceased had illicit relations with accused Asiya. FIR is lodged by accused Asiya regarding outraging her modesty. In the case 2020 of ALL MR (Cri.) 2850 **Arjun Maruti Magar Vs. The State of Maharashtra and Anr.** It has observed that deceased was facing serious charge for molestation of relative of applicant. Even allegations that prosecutrix and deceased were having some clandestine affair. If that be the case, it cannot be said that applicant had abetted deceased to commit suicide by harassing him after he was so released on bail. Anticipatory bail is granted.

08. In the case in hand before me the accused has not abetted the deceased to commit suicide. FIR was lodged against the deceased by accused Asiya. In such circumstances, it reveals that if direction is given to the accused to attend the police station it will suffice the purpose of the investigation. Hence, the accused are

entitled to grant anticipatory bail. Therefore, I pass the following order.

Order

1	The application is allowed.
2	In the event of arrest of applicant-accused No.1 Asiya W/o. Mohammad Zafar No.2 Ahsan Nizam Pathan, No. 3 Shaikh Sohel Shaikh Javed and No. 4 Pathan Ali Khan Nizam Khan they shall be released on P.B. of Rs.25,000/- each and surety in the like amount in connection with Cr.No.213/2026 registered at Police Station Daithna, Tq.and Dist. Parbhani for offence punishable under Sections 108 r.w.Sec. 3(5) of Bhartiya Nyaya Sanhita, 2023, with condition that-
	1) They shall attend the concern police station during 10.00 a.m. to 01.00 p.m. on every Sunday for one month if called by I.O.
	2) They shall assist the investigating officer for investigation.
	3) They 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 them from disclosing such facts to the Court or to any police officer.
	4) They shall not hamper or tamper with the prosecution evidence.
	5) They shall not go abroad without permission of the investigating officer, till filing charge-sheet.
3	Inform to concern police station accordingly.

Date: 16.06.2026.

(Gautam G. Bharne)
Additional Sessions Judge,
Parbhani.