

IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR
(Presided over by Suraj V. Kendre)



Criminal Bail Application No.164/2026
Vivekanand Panchayya Swami Vs. State
(CNR No. MHSO010005412026)

Order Passed Below Exh.1

1. This application is filed by **Vivekanand Panchayya Swami** for anticipatory bail under section 482 of B.N.S.S. in Crime No. 38/2026 registered at Mandrup police station for the offences punishable under sections 108, 351(2) of Bharatiya Nyaya Sanhita.

2. In the application the applicant has reproduced contents of F.I.R. As per the contents of application and oral argument it is the case of the applicant that, he is innocent and has not committed any crime. The contents of F.I.R. are incorrect. The ingredients of sections 108 of B.N.S. are not attracted. There is no active role of the applicant in the crime. Report is lodged belatedly. There is no suicide note. Nothing is to be recovered from the applicant and investigation is completed. If applicant is released on bail, then he will cooperate with the investigation and follow the terms and conditions of bail. Therefore, he may be released on bail. At the time of argument he relied on following case laws :-

(1) ***Shankutantala Devi & Anr. Vs. State of Haryana***
& Anr. reported in **2016 GoJuris (P&H) 977**

- (2) *Sandip Ajay Wadse & Others Versus State of Maharashtra and Ors, in Criminal Application [Ap] No. 428 of 2016* reported *in ABC 2017(I) 197 BOM*
- (3) *Shekh Rauf Shekh Yousuf Vs. The State of Maharashtra, in Anticipatory Bail Application No. 1140 of 2024 decided by Hon'ble High Court of Judicature of Bombay, Bench at Aurangabad.*
- (4) *Madan Mohan Singh Vs. State of Gujarat & Anr.* reported in *2010 GoJuris (SC) 600*
- (5) *Ashok Sopan Kalaskar Vs. State of Maharashtra* reported in 2016 *GoJuris (Bom) 1225.*

3. The learned A.P.P. filed say and opposed the application. As per the oral argument and contents of application it is the case of prosecution that, nature of offence is serious. Investigation is in progress. The mobile of accused is required to be seized and real cause behind death is to be found out. There is active involvement of the applicant. If the applicant is released on bail, then he will pressurize the witnesses, abscond, non cooperate with the investigation and tamper with the evidence. Therefore application may be rejected.

4. Heard both sides at length. Perused F.I.R. and case diary. It prima facie appears from the report that, the applicant and deceased were studying in Basaweshwar Prashala, Nimbargi. From last one year they were having talks. Prior to 3 to 4 months deceased Akshata told her that applicant is

forcefully talking with her. He was calling deceased Akshata on the mobile phone and sending message for calling her. After meeting of Akshata with applicant, he has taken their photographs. Since then deceased Akshata was under tension and pressure. Thereafter, on 18/11/2025 she has committed suicide.

5. It is necessary to point out that, deceased Akshata has committed suicide on 18/11/2025 and report is lodged on 21/02/2026 belatedly. However, in the report itself it is clearly mentioned by the informant that, prior to two days of lodging report dated 21/02/2026 sister of informant told her that, on the day of incident of hanging deceased Akshata called her and told that the applicant is repeatedly calling her to meet him and subjecting her to harassment, therefore she will do something bad with her life. After this information, she has lodged report. Thus, the delay is satisfactorily explained and therefore not fatal to the prosecution case.

6. From the report and case diary it prima facie appears that, the applicant is continuously sending messages and making phone calls to deceased Akshata. He has also taken photographs of Akshata in his mobile phone. Since then Akshata was under tension/pressure and her behaviour is changed. Since the applicant is continuously calling her to meet him, she called sister of informant and told this fact and thereafter immediately she has committed suicide. Thus, there is continuous instigation,

aid, abetment and harassment at the hands of applicant to deceased Akshata and because of the same she was under pressure and committed suicide. Thus, the role of applicant is clear. Because of the continuous instigation, aid, abetment and harassment of the applicant deceased Akshata committed suicide. Therefore, with due respect the aforesaid case laws are not helpful to the applicant.

7. The mobile phone which is crucial and material piece of evidence, which has played important role in the crime is yet to be seized. Since applicant is absconding investigation has not been properly carried out. In such circumstances, if applicant is released on bail, then there is possibility of pressurizing, influencing and threatening the witnesses, absconding of applicant, commission of serious offences against the informant and witnesses. Hence, present application deserves to be rejected. Resultantly, following order is passed.

ORDER

Application is rejected.

(Dictated and pronounced in open court).

(Suraj V. Kendre)
Additional Sessions Judge,
Solapur.

Date : 31/03/2026

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : Kore Mahesh Arjun, Stenographer (Grade-I)
- (b) Court : Adhoc District Judge-1 Solapur.
- (c) Date of Judgment : 31/03/2026
- (d) Order signed by the Presiding Officer on : 31/03/2026
- (e) Order uploaded on : 02/04/2026