



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

CRIMINAL APPLICATION NO.673 OF 2026

Dilip s/o Shankar Wagh and ors.

..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 S.C. Bhosle, Advocate for the applicant (thr. V.C.)
Shri A.B. Badar, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 15.06.2026.

Heard.

2. By way of this application, the applicants are seeking bail in connection with Crime No.676 of 2025 registered with Mahagaon Police Station, Mahagaon Dist. Yavatmal for the offences punishable under Sections 108, 115, 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita 2023.

3. Initially, an Accidental Death (A.D.) case was registered. However, subsequently an FIR came to be registered by the wife of the deceased against the present applicants alleging abetment of suicide of her husband.

4. Learned Counsel appearing for the applicants submitted that A.D. case was registered on 08.10.2025 at the instance of brother of the deceased, wherein no allegations were levelled against any person. However, after two months i.e. on 16.12.2025, the wife of the deceased lodged the present FIR against the applicants alleging that they had borrowed an amount of Rs.2,50,000/- from the deceased and, despite repeated demands they denied to repay the same and harassed the

deceased mentally and physically. It is further alleged that when the deceased demanded repayment of the said amount, he was assaulted by the applicants and due to the continuous harassment at their hands, he committed suicide.

5. Learned Counsel for the applicants further submitted that the delay of two months in lodging the FIR itself indicates that the allegations are by way of an afterthought. It is submitted that no amount was due from the applicants towards the deceased and a concocted story has been set up by the wife of the deceased. According to the learned Counsel, even if the allegations made in the FIR are accepted in their entirety, the ingredients to constitute an offence punishable under Section 108 of the BNS are not attracted. Therefore, the applicants deserve to be enlarged on bail.

6. On the other hand, learned APP vehemently opposed the application on the ground that merely because there is a delay in lodging the FIR, the applicants cannot be enlarged on bail. The allegations are serious in nature and that the deceased committed suicide due to continuous harassment meted out to him by the applicants. Learned APP invited my attention to the contents of the FIR, wherein it is specifically alleged that the applicants had assaulted the deceased when he demanded repayment of the amount allegedly borrowed by them. Considering the seriousness of the allegations and the proximity between the alleged incident and the death of the deceased, learned APP submitted that the application deserves to be rejected.

7. I have considered the rival submissions and perused the record. It is not in dispute that the deceased Amol, committed suicide. It is also not in dispute that initially an A.D. case was registered at the instance of the brother of the deceased, wherein it was specifically stated that there was no complaint against any person. However, on 16.12.2025, i.e. after almost two months, the wife of the deceased lodged the present FIR alleging that the deceased was subjected to mental and physical harassment by the applicants on account of his demand for repayment of Rs.2,50,000/-, which was allegedly borrowed by them.

8. Perusal of the FIR reveals that the alleged incident occurred on 07.10.2025. However, the fact remains that the said incident was not disclosed by the wife of the deceased immediately thereafter. There is also a considerable delay in lodging the FIR. In view of the facts and circumstances of the case, and particularly considering that the investigation is complete and the charge-sheet has already been filed, I am inclined to enlarge the applicants on bail. Hence the following order:

- (a) The application is allowed.
- (b) The applicants 1. Dilip s/o Shankar Wagh, 2. Sau. Baby w/o Maroti Wagh and 3. Sau. Kirtika Bajrang Shinde (Kirtika Maroti Sinda) in connection with Crime No.676 of 2025 registered with Mahagaon Police Station, Mahagaon Dist. Yavatmal for the offence punishable under Sections 108, 115, 351(2),

352, 3(5) of the Bharatiya Nyaya Sanhita 2023 be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount, each.

- (c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (d) The applicants shall provide their residential address and cell number to the Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency.
- (e) The applicants shall attend each and every date of trial regularly. If they fail to attend the trial for two consecutive dates, or fail to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail.

9. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

10. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)