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MCRC-1276-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 24<sup>th</sup> OF JANUARY, 2025MISC. CRIMINAL CASE No. 1276 of 2025*DIVYANSH SINGH THAKUR**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Shafiquallah - Advocate for the applicant.*

*Shri Ajay Tamrakar - Government Advocate for the respondent/State.*

*Shri Anurag Gohil - Advocate for the objector.*

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ORDER

This is the first application filed by the applicant under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking anticipatory bail in connection with Crime No.05/2025 registered at Police Station Ratibad, District Bhopal, for the offence punishable under Section 107 of the BNS.

2. Learned counsel for the applicant has submitted that allegations made in the FIR and material collected by the prosecution during the course of investigation are not sufficient to constitute an offence of abetment against the applicant. He has submitted that as per case of prosecution, some money from the dashboard of applicant's car got stolen, for which, he had shown suspicion over the deceased who had opened the car for taking some of his belongings and asked him to return the money and under pressure, he committed suicide and as such, offence got registered. He has submitted that even otherwise no *prima facie* case of abetment is made out against the



applicant. He has submitted that the applicant is innocent and has been falsely implicated in the alleged offence. On these submissions, he prays that the applicant may be granted the benefit of anticipatory bail.

3. On the other hand, learned Government Advocate as well as learned counsel for the objector have opposed the prayer of anticipatory bail and submitted that as per the suicide note, statement of witnesses and other material collected during the investigation, it is clear that the applicant and other co-accused persons were pressurizing the deceased to return the money and, therefore, under the compelling circumstances, left with no other option, he committed suicide. They have submitted that under the existing scenario, offence has rightly been registered against the applicant. They have also submitted that the deceased was junior to the applicant and other accomplice and as such, since nobody had supported him, therefore, under the compelling circumstances, he committed suicide.

4. I have heard the arguments advanced by learned counsel for the parties and perused the case diary.

5. It is an admitted fact that the applicant and deceased were known to each other. Some money from the applicant's car got stolen and unfortunately, as per the case of prosecution, the deceased was the only one who had opened the car for taking some of his belongings and as such, all suspicion was upon him that he must have stolen the money. The deceased was aged about 18 years whereas the present applicant is 20 years old, both are award winners in the field of sports and no doubt, that the incident can disturb the emotions of anybody, but at the same time, the Court has to maintain balance to see



whether the offence has actually been committed or not and that the innocent person should not be punished. In the existing facts and circumstances of the case, considering the material available on record, it is clear that though some pressure was created upon the deceased by the applicant and other co-accused persons for returning the money, but it does not reflect that all the things were being done with an intention to compel the deceased to commit suicide. However, I can understand that the deceased must have been under pressure that if he would be proved guilty of stealing money, it would be very humiliating for him, but handling such situation of pressure depends upon the mental status of an individual as some can resist and wriggle out from it whereas some cannot. However, from the material collected, *prima facie*, I do not find any such indication that situation was so unbearable and the applicant was compelling the deceased to commit suicide. Normally, youngsters are very possessive for their belongings especially money. If accidentally things do get lost, then they make all endeavours to get it back. *Prima facie*, in this case also the applicant and his accomplice were trying to create an atmosphere only to recovery the stolen money. No doubt, a loss of life is a great loss and the Court can understand the emotions of relatives of the deceased, but in the waves of these emotions, we cannot just blame anybody for the loss. The applicant is a sport person and if he is sent to jail just to pacify these emotions, then his whole future would be ruined that too when *prima facie* it is difficult to infer that his overall conduct was with an intention to create an atmosphere under which the deceased was left with no other option but to commit suicide. Thus, without commenting anything on



the merits of the case, this application is **allowed**.

6. It is directed that in the event of arrest, the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the Station House Officer/Arresting Officer of the Police Station concerned.

7. The applicant shall abide by the conditions enumerated under Section 482(2) of the BNS.

**(SANJAY DWIVEDI)**  
**JUDGE**

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