RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 15456/2026
CNR: RJHC020951682026 | URN: CRLMB / 28538U / 2026

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Jaswant Singh @ Bunty S/o Shri Ghisalal Rawat, Aged About 43 Years, R/o Arjunpura Jagir, Police Station Mangliyawas District Ajmer.

----Petitioner

Versus

The State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Vinay Pal Yadav, Adv.
For Respondent(s) : Mr. N.S. Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

27/10/2026

1. The instant pre-arrest bail application has been filed under Section 482 of BNSS on behalf of the petitioner, who is having apprehension of arrest in FIR No.284/2026 registered at Police Station Ramganj, District Ajmer for offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023.

2. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that the petitioner has no connection whatsoever with the commission of the alleged offence. It is contended that the material available on record does not disclose any cogent or convincing evidence to establish the petitioner’s involvement in the abetment of suicide. It is submitted that the prosecution case is primarily founded upon a video purportedly recorded by the

(Uploaded on 05/11/2026 at 03:39:23 PM)
(Downloaded on 14/11/2026 at 07:30:37 PM)

RAJASTHAN HIGH COURT सत्यमेव जयते

deceased himself prior to committing suicide. A perusal of the transcript of the said video reveals that the petitioner has been referred to only at three places, and all such references pertain to a loan allegedly advanced by the deceased to the petitioner and the co-accused persons. Counsel submits that the only allegation against the petitioner is that he would switch off his mobile phone to evade the demands for repayment of the loan amount.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

3. Counsel submits that even if the allegations are taken at face value, the dispute is essentially monetary in nature and does not disclose any act of instigation, intentional aid, threat, abuse or other positive conduct on the part of the petitioner having a proximate nexus with the deceased's suicide. Counsel further submits that the material available on record does not prima facie disclose the necessary ingredients of Section 45 of the BNS (Corresponding to Section 107 of the IPC) so as to constitute an offence of abetment of suicide against the petitioner. In the absence of any specific allegation demonstrating the requisite mens rea and the essential ingredients of abetment of suicide, no prima facie case under Section 108 of the BNS is made out against the petitioner. Counsel submits that custodial interrogation is not required in this case. Hence, it is prayed that this anticipatory bail application may be allowed.

4. Learned Public Prosecutor opposes the submissions advanced on behalf of the petitioner. It is submitted that deceased left a video wherein specific allegation has been levelled against the petitioner. Counsel thus, prays that looking to the nature and

(Uploaded on 05/11/2026 at 03:39:23 PM)
(Downloaded on 14/11/2026 at 07:30:37 PM)

gravity of offence, benefit of anticipatory bail may not be extended to the petitioner.

5. I have considered the rival submissions.

6. It is well settled that to attract the offence of abetment of suicide, there must be instigation, conspiracy or intentional aiding, and a mere demand for repayment of money, without more, would not by itself constitute abetment. In **Gurcharan Singh versus State of Punjab,** reported in **(2017) 1 SCC 433** and in **M. Mohan versus State,** reported in **(2011) 3 SCC 626**, the Hon'ble Supreme Court has laid down that abetment requires a positive act of instigation or intentional aid, with the intention to bring about the suicide. In **Dhirubhai Nanjibhai Patel Lotwala versus State of Gujarat,** arising out of **SLP (Crl.) No.4644/2025,** the Hon'ble Supreme Court quashed proceedings under Section 306 IPC against a creditor where the suicide note named several creditors generally, without particulars of any threat, holding that a creditor's telephone call for return of his money is a lawful act and does not by itself amount to abetment of suicide.

7. Recently, a Coordinate Bench of this Court, vide order dated 25.09.2026 passed in S.B. Criminal Misc. Bail Application No.15193/2026 titled as **Dinesh Mehra alias Shyamji versus State of Rajasthan,** observed as under:

> "The mere fact that a person has committed suicide, and that the accused was in some manner connected with the deceased or that the deceased had grievances against him, does not, by itself, complete the juridical ingredients of abetment. The

(Uploaded on 05/11/2026 at 03:39:23 PM)
(Downloaded on 14/11/2026 at 07:30:37 PM)

RAJASTHAN HIGH COURT सत्यमेव जयते

> foundational requirement is the existence of an act amounting to abetment, which necessarily brings into consideration the concepts of instigation, intentional aiding and the requisite mens rea. The Supreme Court, while examining the corresponding provisions of Sections 107 and 306 IPC, has consistently held that the prosecution must disclose a positive, active and proximate act of instigation or intentional aid, and that such conduct must have the requisite nexus with the act of suicide. The element of mens rea cannot merely be presumed from the unfortunate consequence of the deceased's act; it has to emerge from the conduct attributed to the accused."

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

8. It would not be appropriate for this Court, at this stage, to make any observations on the quality of the evidence or the merits of the case, as doing so may prejudice the trial. It is for the trial Court to appreciate the evidence and assess the merits of the case at the appropriate stage in accordance with law.

9. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner, especially considering the material available on record, as also considering that the references pertain to a loan allegedly advanced by the deceased to the petitioner, so also considering the role attributed to the petitioner, but without expressing any opinion on merits/demerits of this case, this Court deems it fit and proper to allow the anticipatory bail application.

10. This anticipatory bail application is accordingly allowed. The Arresting Officer, Police Station Ramganj, District Ajmer is directed that in the event of arrest of the petitioner in connection with the aforesaid FIR No.284/2026, he shall be released on bail provided

(Uploaded on 05/11/2026 at 03:39:23 PM)
(Downloaded on 14/11/2026 at 07:30:37 PM)

he furnishes a personal bond in the sum of Rs.1,00,000/- together with two sureties in the sum of Rs.50,000/- each to the satisfaction of the Arresting Officer on the following conditions:-

(i) that he shall make himself available for interrogation as and when required;
(ii) that he 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 him from disclosing such facts to the Court or to any police officer; and
(iii) that he shall not leave India without previous permission of the Court.

11. The observations made hereinabove are only for decision of this anticipatory bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J

121/Manoj Solanki

(Uploaded on 05/11/2026 at 03:39:23 PM)
(Downloaded on 14/11/2026 at 07:30:37 PM)