

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

CRIMINAL APPLICATION (ABA) 66 OF 2020

(Sunil Dyananba Gawande..vs.. State, thr PSO, PS Shirpur, Dist. Washim)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.D. Wakode, counsel for applicant.
Shri M.J. Khan, Addl. Public Prosecutor for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:20.02.2020.

The applicant, alongwith four others, are implicated in Crime 238 of 2019 registered at the Shirpur Police Station for offence punishable under section 306 read with section 34 of the Indian Penal Code.

2. The applicant approached the learned Sessions Judge seeking pre-arrest bail, but in vain.

3. I have perused the case diary. The material on record and particularly the suicide note penned by the deceased Radha bring to the fore a heart rending saga of persistent sexual exploitation which ultimately left Radha with no choice but to end her life alongwith one Suraj.

4. Radha left behind three suicide notes. Lest the observations in this order prejudice the applicant accused at a later stage, I would refrain from making any decisive observation on the role played by the individual accused in the twin deaths. However, since I am rejecting this

application, I must, if only briefly, indicate the reasons underlying the rejection.

5. The deceased Radha has stated in the suicide note that the applicant and the other co-accused blackmailed her and compelled her to succumb to their carnal desires. Radha candidly stated that the present applicant had video clips showing Radha in poor light and that the present applicant used the video clips to blackmail her. The suicide note further alleges that the accused started threatening Radha and when she developed friendly relationship with Suraj, who joined Radha in the suicide pact, the accused threatened Suraj that he would also be defamed alongwith Radha unless Radha agrees to satisfy the carnal demands of the accused. It is further stated in the suicidal note that the accused not only demanded sexual favour, they demanded money from Radha. Finally, the suicidal note concludes by stating that Radha and Suraj are committing suicide due to apprehension of physical harm and loss of reputation.

6. The submission of the learned counsel Shri R.D. Wakode that the acts and role attributed to the applicant would not be covered by the expression “instigation” is considered only for rejection. The submission is difficult to appreciate. If the despicable conduct of the applicant, assuming that the contents of the suicide note are ultimately proved, do not amount to instigation it would be extremely

difficult to conjure a case of instigation. Ultimately, instigation would be to goad somebody to do a particular thing or to bring about a situation in which the instigator is reasonably aware that the person at the receiving end may take the extreme step. Persistent demands for sexual favour, blackmail by threatening the public disclosure of video clips, issuance of threats of physical harm and loss of reputation would lead any person of reasonable sensibility and sensitivity to take extreme step.

7. The application is dismissed.

Judge