

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

107 CRIMINAL APPLICATION NO.427 OF 2023

ANSARAM BABULAL BANSODE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Pahilwan Gautam J
APP for Respondents: Mr. R.V. Dasalkar
.....

**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd JULY, 2023.**

PER COURT :-

1. The applicant is alleged to have attempted to commit suicide, thereby committed the offence under Section 309 of I.P.C.
2. Section 115 of the Mental Health Care Act, 2017, reads as under:-

“Section 115. Presumption of severe stress in case of attempt to commit suicide.

(1) Notwithstanding anything contained in section 309 of the Indian Penal Code, any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.

(2) The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit

suicide, to reduce the risk of recurrence of attempt to commit suicide.”

3. It is said that the attempt to commit suicide is a call for help in distress. Close reading of the police papers does not indicate that the applicant was not under stress and the prosecution has no material to rebut the said presumption. Therefore, we are inclined to grant this application. The application therefore, is allowed in terms of prayer clause “C”.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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