



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

54 ANTICIPATORY BAIL APPLN. NO. 1462 OF 2024

**DILIP DHARMA RATHOD
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER**

...
Advocate for the applicant : Mr.D.A.Mane h/f. Mr.N.R.Pawade
APP for respondent-State : Mr.B.B.Bhise
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 16.12.2024

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No.0689/2024, registered at MIDC Waluj Police Station, District Chatrapati Sambhajnagar, for the offences punishable under section 306 of the Indian Penal Code.

3] It is the case of the prosecution that one of the daughters of the informant, namely Pranita was pursuing education at Bajajnagar, Chatrapati Sambhajnagar since 2021. It is also stated that the daughter on account of bad

hostel facilities was granted permission to live with family friends in a rented room. Thereafter, on 17.06.2024 Pranita mentioned to her brother that she was in live-in relationship with the applicant for last 1 year and that the applicant is harassing her and she asked is not feeling well. Her brother asked her to come home but at that time she was taking examination. She informed her brother that she would come after attending her examination. On 18.07.2024, the brother of the deceased Pranita was informed by the applicant that she has committed suicide. The deceased had committed suicide in the rented accommodation of the applicant and deceased. The applicant/accused told the brother of the deceased that when applicant was sleeping at that time Pranita hanged herself. Thereafter, the accused took Pranita to government hospital where the Doctor examined her and declared her dead. This matter was taken up for issuance of notice and this Court granted interim protection to the applicant by order dated 23rd August 2024.

4] The APP is today opposing the bail application. He submits that there is *prima facie* material against the applicant as is reflected from the police papers that the applicant may be involved in the said crime. This matter requires thorough investigation. *Prima facie* it is suggested that the applicant was harassing the victim by consuming alcohol and would indulge in frequent fight with the

deceased. It is necessary to fully investigate the conspectus of the crime and hence custodial interrogation of the applicant is necessary.

5] *Per contra*, the learned counsel for the applicant submits that he has attended the Police Station and he also relies upon the judgment of the Honourable Supreme Court in the case of ***Prabhu vs. The State*** reported by the Inspector of Police and SLP (Crl.) Diary No. 39981/2022 wherein the Honourable Supreme Court has observed as under:

10.1 Where the words uttered are casual in nature and which are often employed in the heat of the moment between quarreling people, and nothing serious is expected to follow from the same, the same would not amount to abetment of suicide. [Swami Prahaladdas v. State of M.P 1995 Supp. (3) SCC 438. Paragrah 3; Sanju v. State of M.P. (2002) 5 SCC 371, Paragraph 12]

10.2 In order to constitute 'instigation', it must be shown that the accused had, by his acts or omission or by a continued course of conduct, created such circumstances that the deceased was left with no other option except to commit suicide. The words uttered by the accused must be suggestive of the consequence [Ramesh Kumar v. State of Chhatisgarh (2001) 9 SCC 618, Paragraph 20]

10.3 Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. [Chitresh Kumar Chopra v. State (Government of NCT of Delhi) (2009) 16 SCC 605, Paragraph 20]

10.4 There must be direct or indirect acts of incitement to the commission of suicide. The accused must be shown to have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide (Amalendu PAL v. State of West Bengal (2010) 1 SCC 707, Paragraph 12-14)

10.5 The accused must have intended or known that the deceased would commit suicide because of his actions or omissions (Madan Mohan Singh v. State of Gujarat (2010) 8 SCC 628]

6] The learned Counsel submits that there is nothing substantial against the applicant indicating that the applicant has abetted the suicide. The case of the prosecution does not fall with anyone of the parameters mentioned in the judgment of the Supreme Court as noted above in the case of Prabhu vs. The State and Anr.

7] Considering the submissions of the counsel, it is to be noted that the matter is at the stage of investigation.

The judgment of Prabhu (supra) relates to a case after the filing of the charge-sheet. The entire conspectus of the undisputed facts are that the applicant was staying with the deceased in live-in relation for a period of one year. *Prima facie* there is evidence that the deceased was troubling the applicant and that suicide has taken place where both were residing in a rented room. In the fact situation, thorough investigation in this matter is necessary, moreso, when the deceased informed her brother on 17.06.2024 that the applicant was troubling her. The above judgment of Supreme Court in the case of Prabhu vs. The State and Anr. does not come to the aid of the applicant, at this stage.

8] Custodial interrogation of the applicant is necessary in the matter. Hence the present application is rejected. Prayer for extension of interim relief is also rejected.

[ARUN R. PEDNEKER]
JUDGE

PRW