

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2745 OF 2024

Sachin Tanaji Shedge	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Aniket Nikam a/w Mr. Sumit Patil i/by Mr. Amit Icham for the Applicant.

Mr. Mayur S. Sonavane, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 10th OCTOBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0120 of 2024 dated 14th August 2024 registered at Khandala Police Station, Dist. Satara, for offences under Section 108, 3(5) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is the wife of the deceased. She reported to the Police on 14th August 2024 that the co-accused person had visited their house on 6th August 2024, demanding return of money from her husband with interest. He allegedly threatened her husband not to divulge the details of the interest to anybody, failing which consequences would follow. On

7th August 2024, at about 7:00 a.m., a relative of the deceased came to his house and informed him that the applicant had called the deceased at a particular place. The deceased left the house, telling his wife i.e. the informant that he must have been called for returning the amount with interest. Thereafter, the deceased did not return and eventually, his body was found hanging on a tree. According to the informant, the applicant as well as the co-accused person, by their actions abetted the suicide of the deceased.

4. The learned counsel for the applicant submits that even if the contents of the statement, leading to registration of the FIR, are taken into consideration, the only allegation against the applicant is a hearsay statement and in any case, the ingredients of the offence under Section 108 of the BNS are not at all made out against the applicant. It is submitted that he is ready to cooperate with the investigation.

5. On the other hand, the learned APP submits that the nature of threats given to the deceased, eventually left no option for him, but to take the extreme step. On this basis, the application was opposed.

6. The offence under Section 108 of the BNS pertains to abetment of suicide and it is necessarily concerned with the definition of abetment of a thing, provided under Section 45 of the BNS. A perusal of Section 45 of the BNS shows that a person abets doing of a thing, if he instigates another person to do that

particular thing. Applying the aforesaid test, to the case of the applicant, *prima facie* there is hardly any material to show the aforesaid ingredient of the offence against the applicant. The only context in which the name of the applicant has featured, is the hearsay statement of a relative of the deceased, who claimed that the applicant had called the deceased at a particular place.

7. Since the applicant is ready to cooperate with the investigation, this Court is inclined to allow the application.

8. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0120 of 2024 dated 14th August 2024 registered at Khandala Police Station, Dist. Satara, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 14th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence

the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

10. The application is disposed of.

MANISH PITALE, J.