

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4265 OF 2024

Trishala Somnath Udage	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Ghanasham Jadhav for Applicant.

Ms. Megha S. Bajoria, APP for Respondent-State.

Mr. Satyam Ashok Kelkar, PC, Narayangaon Police Station, Pune Gramin.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 25, 2024

P.C. :

1. Heard Mr. Jadhav, learned counsel for the applicant and Ms. Bajoria, learned APP for the respondent-State.

2. The applicant is seeking bail as he was arrested on 20.09.2024 in connection with FIR No.0275 of 2024 dated 11.09.2024 registered with Narayangaon Police Station, District - Pune Rural, for offences under Sections 3(5), 108, 351(2), 351(3) and 351 (4) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The statement of the informant leading to registration of the FIR shows that after the brother of the deceased i.e. brother-in-law of the informant eloped with the minor girl, the mother of the minor girl i.e. the applicant herein along with other accused persons pursued the matter and repeatedly called the deceased threatening him of dire consequences if the minor girl was not produced. It is stated that due to the said complaints, the deceased and the informant had to attend the police station and such actions of the accused persons, including the applicant show ingredients of offence under Section 108 of the BNS, which

pertains to abetment of suicide.

4. At the outset, the learned counsel for the applicant submits that the elder sister, cousin brother and his wife, who are co-accused persons, were granted anticipatory bail by this Court by order dated 17.10.2024 passed in Anticipatory Bail Application No.2799 of 2024. It is submitted that the reasons recorded in the said order ought to inure to the benefit of the applicant herein. Unfortunately, the applicant having been arrested on 20.09.2024, has already suffered incarceration for more than one month. It is submitted that no purpose would be served by keeping the applicant behind bars, particularly when she is a woman and there is no specific overt act attributed to her.

5. The learned APP submits that the ingredients of the offences are made out as the actions of the applicant instigated the victim to commit suicide.

6. It would be necessary to refer to the reasons recorded by this Court while granting relief of anticipatory bail to co-accused persons i.e. the elder sister, cousin brother and his wife. The reasons recorded in the said order are as follows:-

“7. A perusal of the statement of the informant, leading to registration of FIR, shows that according to the informant herself, there was an allegation against her brother-in-law i.e. the brother of the deceased of having eloped with the minor girl child i.e. younger sister of applicant No.1. It appears that the accused persons, including the applicants herein, gained knowledge of involvement of brother-in-law of the informant in the said case. In such a situation, the applicants making efforts to locate the minor girl child, can be said to be actions undertaken as per natural course of human conduct. The concern pertaining to the minor girl child, could perhaps have impelled the applicants to repeatedly contact the deceased and his family members. There is no doubt about the fact that the informant had alleged that while contacting the deceased, the applicants were using threatening language, but that in itself *prima facie* cannot be said to be constituting ingredients of the

offence under Section 108 of the BNS.

8. The said offence pertains to abetment of suicide and abetment requires a person to instigate another person to do the act. *Prima facie*, it cannot be said that the applicants repeatedly contacted the deceased with the intention to drive him to commit suicide.

9. The applicants have indeed made out a *prima facie* case in their favour. The applicant Nos.1 and 3 are women and this is also an additional factor taken into consideration in their favour. The applicants have undertaken to co-operate with the investigation.”

7. This Court is of the opinion that the aforementioned reasons recorded in the order granting anticipatory bail to the co-accused persons clearly demonstrate that the ingredients of the offence under Section 108 of the BNS *prima facie* cannot be said to be made out against the applicant herein also, for the reason that a mother whose minor daughter has eloped is bound to be concerned about the same and if she made efforts to trace her own minor daughter, in which process, she pursued the matter with the family of the deceased, it cannot be said that the said actions were undertaken with the intention to drive the deceased to commit suicide. A *prima facie* case is made out in favour of the applicant, a woman, who has already suffered incarceration for more than a month. On this basis, the application deserves to be allowed. Accordingly, it is allowed in the following terms:-

- (A) The applicant shall be released on bail in connection with FIR No.0275 of 2024 dated 11.09.2024 registered with Narayangaon Police Station, District - Pune Rural on furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- (B) The applicant shall cooperate with the trial Court for

expeditious trial and she shall attend each and every date, unless exempted for reasons to be recorded in writing;

- (C) The applicant shall not tamper with the evidence of the prosecution. She shall not influence the informant, witnesses or any other person concerned with the case;
- (D) Upon being released on bail, the applicant shall immediately, and in any case within a week, furnish the details of her active mobile number and residential address to the trial Court and update about the same, if there is any change.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of bail. It is also clarified that the observations made in this order are limited to the question of grant of bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. The bail application stands disposed of.

(MANISH PITALE, J.)

Minal Parab