

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2045 OF 2024

1. Uttam Aaba Chaure		
2. Sanjay Aaba Chaure		
3. Vidyadhar Haushirav Pomane	...	Applicants
Vs.		
State of Maharashtra	...	Respondent

Mr. Rupesh Atul Zade for Applicant.

Mr. Krishna Tarde i/b. Mr. Prashant S. Hagare for Complainant.

Mr. Bapu V. Holambe-Patil, APP for Respondent-State.

Mr. B. B. Thikole, PSI, Yavat Police Station, Pune.

CORAM : MANISH PITALE, J.
DATE : AUGUST 07, 2024

P.C. :

1. Heard Mr. Zade, learned counsel for the applicant and Mr. Holambe-Patil, learned APP for the respondent-State.

2. This application for anticipatory bail is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicants are apprehending arrest in connection with FIR No.0683 of 2024 dated 04.07.2024 registered with Yavat Police Station, District - Pune, for offences under Sections 3(5), 108, 351 and 32 of the Bharatiya Nyaya Sanhita, 2023 (BNS). The primary offence registered against the applicants is under Section 108 of the BNS, which pertains to abetment of suicide.

3. The informant, in the present case, is the son of the deceased and he has stated in his statement that his father committed suicide because of the actions of the accused persons.

4. The accused persons are the family members of the wife of the

informant. It appears that after the marriage between the informant and his wife, she went back to her family and thereafter could not keep in touch with the informant. It is alleged that the accused persons threatened the informant and his father and in that backdrop, even the informant had attempted suicide by consuming poisonous substance. After the said incident also, there was allegedly an occasion when the deceased was threatened by one of the accused persons, who stated that the informant should not cross the path of the accused persons and that this would lead to consequences. According to the informant, this led to the suicide of his father.

5. The learned counsel for the applicants submits that even if the statement of the informant leading to registration of the FIR is taken into consideration, the ingredients of the offence under Section 108 of the BNS are not made out. It is submitted that the applicants are the father, uncle and maternal uncle of the wife of the informant. They are ready to co-operate with the investigation, and therefore, this Court may allow the present application.

6. On the other hand, learned APP submits that the informant has specifically referred to incidents of threat given to the informant and his deceased father, which ultimately led to stress being created in the mind of the deceased, leading to the extreme step of committing suicide. On this basis, it is submitted that the present application may not be allowed.

7. The basic ingredient of the offence under Section 108 of the BNS is abetment on the part of the accused persons, leading to the victim taking the extreme step. The material on record must show intention on the part of the accused persons to undertake such actions, which impelled the deceased to take his own life.

8. The allegations made in the present case show that the accused persons allegedly threatened the informant and his father after the wife of the informant had gone back to her family and they were told not to keep any relations. The statement also indicates that even the informant on 09.05.2024 had consumed poison while attempting suicide and this had also given stress to his father. It is then stated that after 09.05.2024 also, on a particular day, there was an incident where threat was given to the father of the informant i.e. the deceased, which also led to tension and stress for the deceased father.

9. It is significant to note that the incident occurred on 03.07.2024. But, there are no details of any specific incident soon prior to the date of the incident, which could be said to have impelled the deceased to take his own life. At worst, *prima facie*, the actions attributed to the accused persons in general and the applicants in particular could be said to be such that would have created a situation of perceived threat for the informant and his father. In the backdrop of the marriage between the informant and his wife and the subsequent event of the wife going back to her family, at this stage, it is difficult to reach a conclusion that the actions attributed to the accused persons were undertaken with an intention to drive the deceased to take the extreme step. The applicants have made out a *prima facie* case in their favour.

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

- A. In the event the applicants are arrested in connection with FIR No.0683 of 2024 dated 04.07.2024 registered with Yavat Police Station, District - Pune, they shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] each with one or two sureties in the like amount;

- B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 09.08.2024 and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would make the applicants 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 applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab