

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2799 OF 2024**

1. Kavita Kishore Janrao		
2. Akash Suresh Navgire		
3. Rekha Akash Navgire	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Ghanasham Jadhav for applicants.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

Mr. S. S. Shete, PSI, Narayangaon Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 17th OCTOBER, 2024**

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No.0275 of 2024 dated 11.09.2024, registered at Narayangaon Police Station, District Pune Rural, for offences under Sections 351(4), 351(3), 351(2), 3(5) and 108 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is the wife of the deceased. She has narrated the sequence of events, which, according to her, show that the accused persons, including the applicants herein, acted in such a manner that her husband was driven to commit suicide.

4. The statement of the informant, leading to registration of FIR, shows that after the brother of the deceased i.e. the brother-in-law of the

informant, eloped with a minor girl child i.e. the younger sister of applicant No.1, the accused persons, including the applicants, pursued the matter and repeatedly called the deceased, even threatening of dire consequences, if the minor girl was not produced. There is reference to the manner in which the deceased and the informant had to attend the police station, in the light of the complaint filed with regard to the minor girl going missing. According to the informant, such actions of the accused persons, show the ingredients of the offence under Section 108 of the BNS, which pertains to abetment of suicide.

5. The learned counsel for the applicant submitted that FIR No.0709 of 2024 dated 31.08.2024 was registered at Chatushrungi Police Station, District Pune City against the brother-in-law of the informant, who had eloped with the minor girl child i.e. the younger sister of the applicant No.1. It is submitted that in the aforesaid context, when the applicants came to know about involvement of brother-in-law of the informant, they not only approached the police, but also made efforts on their part to locate the missing girl child. It is submitted that such efforts could not be said to be actions undertaken by the accused persons, including the applicants, with a view to instigate the husband of the informant to commit suicide. It is submitted that the applicants are ready to co-operate with the investigation and there is no reason to insist upon physical custody of the applicants.

6. On the other hand, the learned APP submitted that the Call Detail Records shows the number of times the accused persons, including the applicants, repeatedly contacted the deceased and harassed him to such an extent that he was driven to commit suicide. It was submitted that even if the brother of the deceased had eloped with the minor girl child i.e. the

younger sister of the applicant No.1, the actions of the applicants were certainly not justified, which divulge the ingredients of Section 108 of the BNS.

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.

10. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicants are arrested in connection with FIR No.0275 of 2024 dated 11.09.2024, registered at Narayangaon Police Station, District Pune Rural, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each with one or two sureties each in the like amount to the satisfaction of the trial Court.
 - (ii) The applicants shall remain present before the Investigating Officer on 19.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon them to remain present;
 - (iii) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case;
 - (iv) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.
11. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.
12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
13. The application stands disposed of.

(MANISH PITALE, J)