

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

ANTICIPATORY BAIL APPLICATION NO. 2854 OF 2024

- | | | |
|---------------|--------------------------|---------------|
| 1. | Ramdas Shivram Dhande | |
| 2. | Madhvi Ramdas Dhande | ...Applicants |
| Versus | | |
| | The State of Maharashtra | ...Respondent |

WITH

ANTICIPATORY BAIL APPLICATION NO. 2856 OF 2024

- | | | |
|---------------|--------------------------|---------------|
| 1. | Nandu Ramnath Harak | |
| 2. | Anita Nandu Harak | |
| 3. | Ankesh Nandu Harak | ...Applicants |
| Versus | | |
| | The State of Maharashtra | ...Respondent |

- Mr. Satyajeet P. Dighe, for Applicant in both ABA.
- Ms. Megha S. Bajoria, APP for Respondent in ABA/2854/2024.
- Mr. Mayur S. Sonavane, APP for Respondent in ABA/2856/2024.
- Mr. D.M. Khedkar, API, Nashik Taluka Police Station.

CORAM : MANISH PITALE, J.

DATE : 23rd OCTOBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and learned APPs for respondent – State.

2. The applicants in these two applications are apprehending arrest in connection with First Information Report No.0187 of 2024, dated 18.09.2024, registered at Police Station Nashik Taluka, District Nashik Rural, for offences under Sections 108, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

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3. The main offence registered against the applicants is under Section 108 of the BNS (equivalent to Section 306 of the Indian Penal Code, pertaining to abetment of suicide).

4. The informant in the present case is the mother of the deceased. It is alleged that the deceased was left with no option but to commit suicide, because of the harassment he suffered at the hands of his wife and her relatives, which includes the applicants before this Court. The applicants in Anticipatory Bail Application No.2854 of 2024 are the maternal uncle and aunt of the wife of the deceased and the applicants in Anticipatory Bail Application No.2856 of 2024 are the parents and brother of the wife of the deceased. In the statement, leading to registration of the FIR, it is alleged that the wife of the deceased alongwith full support from her relatives, including the applicants before this Court, repeatedly harassed the deceased to such an extent that he committed suicide.

5. The learned counsel for the applicants submits that the allegations pertaining to harassment as against the applicants are general and *omnibus* in nature. The marriage had taken place on 26.12.2021. There used to be quarrels between husband and wife and on certain occasions the wife used to leave the matrimonial house to go and reside with her parents. It is submitted that the nature of allegations made in the aforesaid statement do not reveal any specific overt act on the part of the applicants, much less any

overt act soon before the actual incident that occurred on 15.09.2024. It was submitted that in terms of the settled law pertaining to the offence regarding abetment of suicide, the ingredients thereof are not made out against the applicants. Since they are ready to cooperate with the investigation, this Court may consider granting relief.

6. On the other hand, the learned APPs appearing in these two applications submitted that the applicants and the co-accused persons have been absconding since the date of the incident. The deceased left behind a suicide note dated 15.09.2024 specifically naming the accused persons as being responsible for the extreme step taken by the deceased. It was submitted that there are videos showing the manner in which the deceased was being harassed by his wife. It was submitted that the applicants continuously supported her during such activities and therefore, the ingredients of the offence are made out against the applicants.

7. This Court has perused the statement, leading to registration of the FIR. While the role of the applicants is described as being persons who were actively supporting the wife of the deceased when she was repeatedly harassing the deceased, but, the allegations *prima facie* appear to be general and *omnibus* in nature. In such cases, there is tendency to rope in all the relatives of the spouse. Even the suicide note of the deceased, which was produced by the learned APPs for perusal of this Court, shows that general

allegations are made against the applicants. In any case, there is no allegation against the applicants on the date of the incident or soon before the incident of suicide.

8. An essential ingredient of the offence of abetment of suicide under Section 108 of the BNS is an act on the part of the accused to instigate the victim to take the extreme step, particularly in proximity of the actual act of committing suicide.

9. The material on record *prima facie* does not show such a role being performed by the applicants herein and therefore, they have made out a case for being granted relief in the present applications.

10. In view of the above, the applications are allowed in the following terms:

- (A) In the event the applicants – (1) Ramdas Shivram Dhande, (2) Madhvi Ramdas Dhande, (3) Nandu Ramnath Harak, (4) Anita Nandu Harak and (5) Ankesh Nandu Harak, are arrested in connection with FIR No.0187 of 2024, dated 18.09.2024, registered at Police Station Nashik Taluka, District Nashik 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.

- (B) The applicants i.e. (1) Ramdas Shivram Dhande, (2) Madhvi Ramdas Dhande, (3) Nandu Ramnath Harak, (4) Anita Nandu Harak and (5) Ankesh Nandu Harak, shall remain present before the Investigating Officer on 25th October, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

13. 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.

14. The application is disposed of.

(MANISH PITALE, J.)