

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

ANTICIPATORY BAIL APPLICATION NO. 3409 OF 2024

Sangram Surendra Laigude ... Applicant
Versus
The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3410 OF 2024

Sagar Surendra Laigude ... Applicant
Versus
The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3454 OF 2024

(Not on board. Taken on board.)

Surendra Baburao Laigude ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Shailesh S. Kharat i/by Mr. Yogesh Mahadev Birajdar for the Applicants in ABA/3409/2024 and ABA/3410/2024.

Mr. Shailesh S. Kharat for the Applicant in ABA/3454/2024.

Ms. Megha S. Bajoria, APP for Respondent-State in ABA/3409/2024 and 3454/2024.

Mr. Mayur S. Sonavane, APP for Respondent-State in ABA/3410/2024.

Mr. Sachin H. Deokar a/w Mr. Vignesh Ashokan for Original Complainant.

Mr. Shrikant Sawant, Sinhagad Road Police Station.

CORAM: MANISH PITALE, J.

DATE : 16th DECEMBER 2024

P.C. :

. Heard learned counsel for the applicants, learned APP for

the respondent-State and learned counsel having instructions to appear on behalf of the first informant.

2. The applicants in this case are the three accused persons and they are apprehending arrest in connection with FIR No. 0562 of 2024 dated 9th October 2024 registered at Sinhagad Road Police Station, Dist. Pune, for offences under Section 108 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant is the wife of the deceased and in her statement, she has given details, as to the manner in which the applicants were allegedly harassing her husband on account of recovery of certain amount. According to the informant, the deceased had business dealings with the applicants and their firm concerning construction projects. Although, amount of Rs.80 lakhs out of a total amount of Rs.91 lakhs was returned to the applicants, they were still repeatedly harassing the deceased for returning of such amount. In the process, they had applied extreme pressure on the deceased by pursuing the matter repeatedly, due to which the deceased was left with no alternative, but to commit suicide.

4. The learned counsel for the applicants submits that the ingredients of the offence under Section 108 of the BNS are not made out, even if the statement of the informant is to be taken into account. Reference is made to a Report of Non-cognizable Offence (N.C.) dated 28th March 2023, registered at the behest of

the applicant-Sagar Surendra Laigude, one of the accused persons, wherein offence under Section 507 of the Indian Penal Code, 1860 (IPC) was registered against the deceased, when it was reported to the Police that the deceased was giving threat of committing suicide, if the said applicants and the other accused persons continued to pursue the matter of recovery of amount from him. It is claimed by the applicants that after the said incident, they did not get in touch with the deceased, as they desired to pursue the matter legally. It is submitted that the applicants are ready to cooperate with the investigation and therefore, this Court may consider allowing the application.

5. On the other hand, the learned APP submitted that the investigation has revealed that according to the informant, the applicants used to call the deceased at odd hours and they used to threaten him in the backdrop of alleged recovery of amount from him. This created tremendous mental pressure on the deceased, leading to the extreme step taken by him. Reference is also made to a suicide note left behind by the deceased, wherein he placed the blame on the applicants for the said act on his part.

6. The learned counsel appearing for the first informant submitted that, if time is granted, an intervention application with documents can be placed on record. He submitted that the statement of the informant itself indicated that the manner in which pressure was put on the deceased for return of amount, although substantial amount was returned to the applicant. This

left no option for the deceased, but to take the extreme step.

7. This Court has considered the rival submissions in the light of the material placed on record. This Court has also perused the suicide note as well as the investigation papers.

8. The offence under Section 108 of the BNS (Section 306 of the IPC) pertains to abetment of suicide. The basic ingredient of the said offence is that the acts attributed to the accused persons should have been undertaken with an intention of instigating the victim to commit suicide. The abetment of a thing is defined under Section 45 of the BNS.

9. This Court has perused the statement of the informant, leading to registration of the FIR, the suicide note and other relevant papers. The consistent theory that is evident from such material, is that the applicants were relentlessly pursuing the deceased for return of their amount. It is a matter of dispute between the parties, as to whether the amount due was Rs.91 lakhs or that it was a much lesser amount, considering the claim of the informant that an amount of Rs.80 lakhs was already returned. It is relevant to note that a perusal of the statement of the informant does not reveal any incident as a trigger point, just prior to the extreme step taken by the deceased on 7th October 2024. This is also one of the vital ingredients of the said offence, as per the settled position of law.

10. In fact, the statement of the informant refers to incidents of the year 2023, in respect of which one of the applicants had already registered an N.C. dated 20th August 2023, indicating to the Police that the deceased had been threatening that he would commit suicide. There is also a reference to a notice being received from the applicants with regard to the aforesaid dispute. This Court is of the opinion that, even if the applicants can be said to have relentlessly pursued the matter regarding return of money and in that regard, issued a notice to the deceased, such acts *prima facie* cannot be said to have been undertaken with an intention to instigate the victim to commit suicide. Since, the vital ingredient of the said offence, *prima facie*, does not appear to be arising on the basis of the material available on record, the applicants have made out a case in their favour for granting anticipatory bail. They have undertaken to cooperate with the investigation.

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

(a) In the event the applicants are arrested in connection with FIR No. 0562 of 2024 dated 9th October 2024 registered at Sinhagad Road Police Station, Dist. Pune, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one or two sureties in the like amount.

(b) The applicants shall remain present before the

Investigating Officer on 18th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.

(c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person 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. 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 applications.

13. The applications are disposed of.

MANISH PITALE, J.