

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

ANTICIPATORY BAIL APPLICATION NO. 3455 OF 2024

1. Chandrashekhar @ Mithun Subhash Wagh		
2. Tushar Subhash Wagh		
3. Navnath Raghunath Wagh		
4. Dilip Suresh Wagh	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Rameshwar N. Gite a/w Sushant Tare and Hiten Raut for the Applicants.

Mr. Mayur S. Sonavane, APP for Respondent-State.

CORAM: MANISH PITALE, J.
DATE : 18th DECEMBER 2024

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No. 0471 of 2024 dated 4th December 2024 registered at Dindori Police Station, Dist. Nashik, for offences under Sections 108, 352, 351(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is the wife of the deceased, who has alleged that the actions of the accused persons, including the applicants herein, forced her husband to commit

suicide. It is alleged that the applicant No.1 was interested in marrying the daughter of the informant and the deceased. But, she had expressed her opinion that she would marry wherever the family desires and she had denied having any affair with the applicant No.1. It is alleged that in this backdrop, the accused persons, including the applicants abused and physically assaulted the deceased, due to which he was under tremendous pressure and in this backdrop, on 3rd December 2024 he committed suicide by hanging.

4. The learned counsel for the applicants submits that even if the allegations made by the informant in her statement are taken into account, ingredients of the offence under Section 108 of the BNS are not made out. This cannot be termed as a case of abetment of suicide because there is no question of the applicants having any intention to instigate the deceased to take his own life. It is highlighted that on the date on which the deceased committed suicide by hanging, the aforesaid daughter of the deceased, in fact, married the applicant No.1 and a certificate of marriage dated 3rd December 2024 is annexed to the application. It is submitted that therefore, this Court may consider allowing the application.

5. On the other hand, the learned APP vehemently opposed the present application. He submitted that the actions of the accused persons, including the applicants, of repeatedly abusing and assaulting the victim, left no alternative for him, but to take the extreme step of committing suicide. The ingredients of the offence

under Section 108 of the BNS are *prima facie* made out and therefore, the application may be dismissed.

6. This Court has perused the statement of the informant, leading to registration of the FIR. Even if the allegations therein are taken into account, at worst, the accused, including the applicants, could be held responsible for some other set of offences. In fact, the statement of the informant itself shows that the deceased had caused FIR to be registered against the accused persons in the very same Police Station bearing FIR No. 442 of 2024, for offences, including offence under Section 118(1) of the BNS. This Court is of the opinion that in such set of circumstances, the applicants have made out a *prima facie* case in their favour to claim that the intention to instigate the deceased to commit suicide, cannot be made out against them.

7. The certificate of marriage dated 3rd December 2024 shows that the aforesaid daughter of the informant and the deceased, in fact, married the applicant No.1 on the date on which the deceased took his own life. This indicates that perhaps the deceased was upset with the choice of his daughter and therefore, the applicants have made out a case in their favour.

8. 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. 0471 of 2024 dated 4th December 2024 registered at Dindori Police Station, Dist. Nashik, they shall be released on bail on furnishing PR Bond of Rs.15,000/- each and one or two sureties in the like amount.

(b) The applicants shall remain present before the Investigating Officer on 21st 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.

9. 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.

10. The application is disposed of.

MANISH PITALE, J.