

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

**Anticipatory Bail Application No.3491 of 2024**

Tejas Jaywant Sawant

Age: 32 years, Occ:Govt Servant,  
having residence at :

1, Tejas Niwas, Aminabai Chawl,  
Near Babu Genu Ground,  
Gamdevi Road, Ghatkopar (W)

... Applicant

Versus

The State of Maharashtra

(At the instance of Ghatkopar police  
station)

... Respondent

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Mr PK Sanghrajaka a/w Esha V Rane, i/by Rajiv Sawant &  
Associates for the applicant.

Mr MG Patil, APP, for the respondent/ State.

API BB Pukale, Ghatkopar Police Station.

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**Coram: R.N. Laddha, J.**

**Date: 20 December 2024.**

**P.C.:**

Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.1302 of 2024, registered at Ghatkopar Police Station, Mumbai, for offences punishable under Sections 108, 85 read with 3(5) of the Bharatiya Nyaya

Sanhita, 2023.

3. It is the case of the prosecution that the deceased and the applicant were married on 8 October 2023. However, within two to three months, their marriage began to experience discord. In October 2023, the deceased discovered photos of a girl with whom the applicant had an affair before the marriage. This led to frequent quarrels, during which the applicant beat the deceased. Frustrated by the applicant and the co-accused's harassment, the deceased ultimately committed suicide on 24 November 2024.

4. The learned Counsel appearing on behalf of the applicant, submits that the allegations in the FIR do not substantiate the charge of abetment to suicide under Section 108 of the Bharatiya Nyaya Sanhita, 2023. The learned Counsel submits that the essential element of abetment, as defined under Section 45 of the BNS, is absent. There is nothing on record to suggest that the applicant intentionally aided, instigated or abetted the deceased to commit suicide. Furthermore, the learned Counsel asserts that the allegations in the FIR are absurd and improbable. There is nothing to be recovered or discovered from the applicant. The first informant did not witness any harm being inflicted on the deceased and was not present at the

applicant's residence during the Dassehra festival as alleged.

5. The learned Additional Public Prosecutor representing the respondent/ State opposed the prayer for pre-arrest bail. The learned APP submits that the offence is serious. The deceased committed suicide due to the harassment and ill-treatment by the applicant and the co-accused. The marriage between the applicant and the deceased was solemnized on 8 October 2023, and the incident occurred on 24 November 2024, within a short span of time. Therefore, the presumption under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023, is attracted. The statement of the wife of the applicant's brother, who was residing with the applicant and the co-accused, demonstrates that immediately before the incident, there was a quarrel between the deceased and the applicant, during which the applicant and his father assaulted the victim. The inquest panchanama reveals scratches on the chin and neck of the deceased. *Prima facie*, there is material to indicate that the applicant's actions directly and proximately led the deceased to commit suicide. Additionally, the material on record shows that prior to the incident, the deceased attempted suicide by jumping from the 7th floor of the building. If the applicant is granted anticipatory bail, he may tamper with the prosecution evidence/witnesses. The investigation is at a nascent stage and

the statement of the witnesses and neighbours have yet to be recorded.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar.

7. After reviewing the records, it appears that the applicant's marriage with the deceased was solemnised on 8 October 2023, and the incident occurred on 24 November 2024 within a short span of time. *Prima facie*, there is material to show that prior to the incident, the deceased had attempted to jump off from the 7th floor due to the alleged ill-treatment by the applicant. The statement of the brother of the applicant's wife, who was residing in the same house with the applicant and his parents, indicates that immediately before the incident, the deceased was assaulted by both the applicant and his father. The inquest panchanama of the deceased also reveals scratches on her chin and neck. Furthermore, there is *prima facie* material to show frequent quarrels between the deceased and the applicant, with the applicant allegedly beating her. The material on record *prima facie* indicates the applicant's direct or proximate actions led the deceased to commit suicide. The deceased might have lacked sufficient support, as her parents were not alive, which could have contributed to her taking the extreme step.

The investigation is at a nascent stage, and the statements of witnesses and neighbours are yet to be recorded. The possibility of tampering with the evidence and influencing witnesses at this stage cannot be ruled out, especially since the eyewitness to the alleged assault is the wife of the applicant's brother.

8. In the totality of the circumstances, I am not inclined to accede to the submissions on behalf of the applicant that no offence under Section 108 of the BNS is prima facie made out. I am, therefore, not inclined to exercise discretion in favour of the applicant. As a result, the application stands rejected.

9. It is made clear that these prima facie observations are confined to determine entitlement to pre-arrest bail.

**[R.N. Laddha, J.]**