



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 ANTICIPATORY BAIL APPLICATION NO. 635 OF 2025

SHRIKANT @ SHARAD RAMCHANDRA JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

WITH

...

CRIMINAL APPLICATION NO.1524 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO.635 OF 2025

SUNIL RAJESH KURHADE

VERSUS

**SHRIKANT @ SHARAD RAMCHANDRA JADHAV AND
ANOTHER**

...

Advocate for Applicant in ABA : Mr. Rahul R. Karpe

APP for Respondent/State: Mr. S. P. Sonpawale

Advocate for Assist to PP : Mr. S. R. Andhale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 29.04.2025

P.C. :

1] Criminal Application No.1524 of 2025 stands allowed in terms of prayer clause "A", which reads as under:

"[A] This Hon'ble Court may be pleased to permit the applicant to assist Public Prosecutor in Bail Application No.635/2025;"

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the assist to public prosecutor.

3] The applicant has approached this Court apprehending arrest in connection with Crime No.0069/2025, dated 06.02.2025, registered with Kotwali Police Station, Ahilyanagar, District Ahilyanagar, for the offences punishable under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4] The facts in this case are that the applicant had taken a tractor of the deceased and advanced him an amount of Rs.30,000/- and he was expecting in return an amount of Rs.50,000/-. It is stated that the deceased collected Rs.30,000/- and presented to the applicant, however, the applicant refused to accept Rs.30,000/- and returned the amount back to the deceased and asked him Rs.50,000/- to return the tractor. It is stated that the applicant has also made statement that if the deceased is not able to pay back the money then the deceased should commit suicide. It is stated that after the statement was made on 04.02.2025, the deceased had committed suicide on 05.02.2025, at about 02:00 p.m. night after about 10 to 12 hours.

5] The learned counsel for the applicant submits that it is a monetary transaction and that the monetary transaction have been for a short period of time and for small amount. The entire incident is stated to be of February-2025. The learned counsel for the applicant

submits that these are business transactions between the parties if at all and, ordinarily, in the business transactions the applicant would never expect deceased to commit suicide rather he would expect his money back.

6] The learned counsel for the applicant relies upon the Division Bench Judgment of the Hon'ble Supreme Court (*Coram: B. R. Gavai & K. V. Viswanathan, JJ.*) in the case of **Prakash and others Vs. The State of Maharashtra and another, Criminal Appeal No.__ of 2024 (Arising out of SLP (Crl.) No.1073 of 2023)**, dated 20.12.2024.

7] Per contra, learned counsel for the assist to public prosecutor submits that the applicant has demanded higher payment thereby causing harassment to the deceased and that the applicant intended the deceased to commit suicide. He relies upon the Judgment of the Hon'ble Supreme Court in the case of **Chitresh Kumar Chopra Vs. State (Govt. of NCT of Delhi)**, 2009 (16) SCC 605.

8] The learned APP makes similar submissions and relies upon the Judgment of the Hon'ble Supreme Court in the case of **Nipun Aneja and others Vs. State of Uttar Pradesh, 2024 SCC OnLine SC 4091**.

9] For my convenience, it is better to refer the case of the Hon'ble Supreme Court in **Nipun Aneja** (*supra*) as the

same can be better applied to the facts of this case. The Hon'ble Supreme Court in **Nipun Aneja** (*supra*) has discussed the law on the offence under Section 306 I.P.C. for abetment to commit suicide, as under:

“21. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.”

10] The Hon'ble Supreme Court has considered two categories, firstly, wherein it has considered the case, where; if the suicide is committed by the deceased due to direct and alarming encouragement / incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account

of great disturbance to the psychological imbalance of the deceased. It is stated that such an incitement can be divided into two categories that when there is some quarrel between the relations like husband and wife, brother and sister, sister and sister, in such relation on account of sentimental ties it can be stated that the disturbance can be gained on account of sentimental ties and, secondly, as regards the official relation one has to see the case in different way. The test to be adopted in official relation, whether the parties are in official relation, it is to be identified on the basis of the material on record, where it indicates prima-facie that the accused intended for abetment to commit suicide.

11] In the instant case, the relation of the applicant and the deceased was in nature of monetary transactions / monetary in nature. That, the test to be adopted in the instant case would be, whether the accused intended consequences that in the event the deceased cannot make the payment the deceased shall commit suicide. Prima-facie, it cannot be said that the accused intended the deceased to commit suicide. The intended consequence was that the applicant should get the money back. But it cannot be said that the accused / applicant intended the deceased to commit suicide on account of the official nature of transaction. The deceased is prima-facie in relation with the applicant in official capacity / business transactions, which

are monetary in nature. Considering the same, the statement of the accused that the deceased should commit suicide if cannot give Rs.50,000/-, cannot be equated to an harassment intended to commit suicide.

12] Considering these aspects of the matter and considering the case of **Nipun Aneja** (*supra*) of the Hon'ble Supreme Court, this court, prima-facie, considers the case for grant interim protection to the applicant.

13] In the meanwhile, there shall be interim order in the following terms :-

A] Till the next date, in the event the applicant is arrested in connection with Crime No.0069/2025, registered with Kotwali Police Station, Ahilyanagar, District Ahilyanagar, for the offences punishable under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount.

B] The applicant shall attend the concerned police station on 05.05.2025 and 06.05.2025, between 10:30 a.m. to 01:30 p.m. and, thereafter, as and when required by the investigating officer.

C] The applicant shall co-operate with the investigation, including producing all documents in his possession, as may be demanded by the investigating officer.

D] The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

14] Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

15] List on 10.06.2025.

[ARUN R. PEDNEKER]
JUDGE

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