



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 992 OF 2025

DEEPAK SANDIPAN WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. P.P. More
APP for Respondent/State : Mr. D.J. Patil

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CORAM : ARUN R. PEDNEKER, J.
DATE : 14/08/2025

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he is arrested in connection with Crime No. 255/2024 dated 28.11.2024 registered with Latur Rural Police Station, District Latur for the offences punishable under sections 108, 3(5), 238 of B.N.S., 2023.
3. Crime is registered on the basis of complaint filed by the brother of the deceased. In the FIR, it is stated that deceased was 22 years of age and was preparing for police examination. It is stated that applicant is employed in police force and is a married person. It is further alleged that the applicant had maintained physical relations with the deceased by making false promise of marriage. It is alleged that the applicant was giving insulting and cruel treatment to the deceased/sister of the informant and as such, the deceased was left no option, but to commit suicide and has committed suicide on 27.11.2024. The deceased has left a suicide note wherein she has mentioned that the applicant was giving insulting and cruel treatment to the deceased and therefore, the deceased committed suicide.

The applicant is arrested on 20.2.2025. After completion of investigation, chargesheet in the matter is filed. The applicant has preferred bail application before the trial court, however, the same has been rejected. Hence, the present bail application is filed.

4. The learned counsel for the applicant submits that even if the prosecution case is taken as it is, victim was well aware that the applicant is married person and it was not possible for him to marry with the deceased and as such, it cannot be said that the applicant was responsible for the action of the deceased. The applicant and the victim both being adults were aware of the consequences of their actions. As such, the act of the applicant cannot be terms as abatement to commit suicide. The learned counsel submits that the since 20.2.2025 applicant is behind bars, investigation is complete, chargesheet is also filed. Considering all above, the learned counsel prays to release the applicant on bail.

5. Per contra, the learned APP submits that the applicant is from police department and he was absconding for several months after the alleged incident and destroyed the evidence available in his mobile phone. The learned APP submits that the applicant has the habit of following girls and maintaining physical relations with them under the promise of marriage. The learned APP has produced the copy of judgment in Regular Criminal Case No. 657/2019 wherein the applicant was tried for the offence punishable under section 498-A, 323, 506 of I.P.C. The learned APP submits that considering all above, the applicant is not entitled for any relief.

6. Considered the above submissions. Perused the police papers and suicidal note of the deceased. In the suicidal note, the victim has stated that although the applicant was married, he had kept physical relations with

the deceased. When the deceased tried to walk out of relations with the applicant, the applicant would still insist on physical relations with the deceased and was mentally torturing the deceased. In the suicidal note, it is stated that the applicant was physically abusing her and would assaulted her. The applicant would say to the deceased that whatever she may wants to do, he would still call her and keep physical relations by abusing her. It is stated in the suicide note that the applicant would call her 'बायको, बायको' and maintained physical relations. In suicidal note it is further stated that for a single day the applicant did not allow the deceased to live happily. In the suicidal note, it is also stated that the applicant had troubled her very much. Lastly, in the suicidal note it is stated that she cannot write further as it is a difficult long story.

7. Considering the suicidal note of the victim, the submission of the learned counsel for the applicant cannot be accepted. When the applicant was married, he forced the deceased to keep physical relations with him under false promise of marriage and by physically abusing her. From the suicidal note, it is seen that the applicant had harassed and treated the deceased with cruelty and had kept no option for the deceased and therefore, the deceased committed suicide. As such, prima facie, from the above record it appears that the applicant had committed the offence of abatement of suicide. From the suicidal note, it is seen that although the deceased wanted to go out of the relations, the applicant had forced the deceased by physically abusing her to keep relations with her. The applicant is in police department and he was fully aware that by such acts he was trying to keep the deceased mentally unstable and driving her to commit suicide. These allegations against the applicants are very grave and the

same would qualify within the meaning of abatement of suicide.

8. While dealing with 'abatement of suicide', in the case of **Prakash and others Vs. The State of Maharashtra and others in Criminal Appeal of 2024** arising out of SLP (Cri.) No. 1073 of 2023 the Hon'ble Supreme Court (Justice B.R. Gavai) vide judgment dated 20.12.2024, in para 21 and 22 has observed as under :-

"21. Relying on the decision in the case of **Ramesh Kumar** (supra), this Court in the case of **Ude Singh and Others v. State of Haryana** observed as follows:

"16.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. **But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide.** The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate

analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

16.2. We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age, personality, upbringing, rural or urban set-ups, education, etc. Even the response to the ill action of eve teasing and its impact on a young girl could also vary for a variety of factors, including those of background, self-confidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances."

22. It could thus be seen that this Court observed that in cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It has been held that since the cause of suicide particularly in the context of the offence of abetment of suicide involves multifaceted and complex attributes of human behaviour, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. This Court further observed that a mere allegation of harassment of the deceased by another person would not suffice unless there is such action on the part of the accused which compels the person to commit suicide. This Court also emphasised that such an offending action ought to be proximate to the time of occurrence. It was further clarified that the question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused. It was further held that if the acts and deeds are only of such nature where the accused intended nothing more than harassment or a snap-show of anger, a particular case may fall short of the offence of abetment of suicide, however, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. This Court held that owing to the fact that the human mind could be affected and could react in myriad ways and that similar

actions are dealt with differently by different persons, each case is required to be dealt with its own facts and circumstances.”

9. Considering the facts noted above and the law on abatement of suicide as discussed in above noted judgment of the Supreme Court, the involvement of the applicant in the offence of abatement of suicide is prima-facie seen. Considering that the applicant has antecedents and the offence being grave, the application stands dismissed.

10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove. Liberty is granted to apply afresh if the trial does not conclude within one year.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

ssc/