



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 575 OF 2025

1. Krushna Jagannath Pandure,
Age; 35 years, Occ; Business,
R/o; Near Maroti Temple, Kahar Galli,
Paithan, District Aurangabad.

...APPELLANT
(Orig. Accused No. 5)

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Paithan Police Station,
District Chatrapati Sambhajanagar.
2. Anjali Dipak Potphode,
Age; 32 years, Occ; Household,
R/o; Kaharwada, Tq. Paithan,
District; Chhatrapati Sambhajanagar.

...RESPONDENTS
(No. 2 Orig. Complainant)

AND
CRIMINAL APPEAL NO. 532 OF 2025

1. Bajrang s/o Bhavsing Limbhore,
Age; 41 years, Occ; Business,
R/o; Near Maroti Temple, Kahar Galli,
Paithan, District Aurangabad.

...APPELLANT
(Orig. Accused No. 4)

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Paithan Police Station,
District Chatrapati Sambhajanagar.
2. Anjali Dipak Potphode,
Age; 32 years, Occ; Household,
R/o; Kaharwada, Tq. Paithan,
District; Chhatrapati Sambhajanagar.

...RESPONDENTS
(No. 2 Orig. Complainant)

...
Advocate for Appellants : Mr. Ravindra B. Ade
APP for Respondent No. 1-State : Mr. C.V.Bhadane
Advocate for Respondent No. 2 : Mr. Arun S. Shejwal
...

CORAM : SUSHIL M. GHODESWAR, J.

Date of Reservation : 10.11.2025
Date of Pronouncement : 14.11.2025

PER COURT :

1. Appellants in both the appeals are challenging the orders dated 24.07.2025 and 14.07.2025 passed by the Special Judge (under SC and ST Act), Paithan, District Aurangabad, in Criminal Bail Application No. 110 of 2025, and Criminal Bail Application No. 98 of 2025, wherein, the applications for grant of anticipatory bail of the appellants came to be rejected. The appellants in the event of arrest have further prayed for protection before this Court.

2. According to the appellants, crime came to be registered on the basis of a report lodged by respondent No. 2 Sau Anjali Dipak Potphode on 21.06.2025. As per the said report, it came to be submitted that the informant Sau. Anjali is married with one Dipak Potphode and out of the wedlock they are having two children. On 20.06.2025, she had gone to the Police Station along with her husband Dipak to lodge report against one Akash Jire for outraging her modesty. After registration of the said report they returned to their house. However, at

night on the same date at about 10.00 p.m., the appellants along with other accused Akash Jire came to her house and quarreled with them, on the point as to why they have lodged report against the said Akash Jire. She further stated in the report that her husband had obtained a hand loan of Rs. 5,000/- from Gorakh Limbore and in view of said hand loan the accused persons were harassing her husband. She has alleged in the report that accused used to create dispute between her and her husband and therefore, due to all aforesaid issues, her husband used to be under continuous pressure. On 21.06.2025, at about 9.00 hrs, in the morning, in view of quarrel between the informant and her husband, she had gone to Police Station. That time, one Nandu Magare came to the police station and informed her that her husband had committed suicide. Therefore, she returned to her house and found that her husband had committed suicide by hanging. Therefore, the informant lodged report against the accused persons.

3. Mr. Ade, learned Advocate for the appellants submits that in the aforesaid circumstances the appellants cannot be held guilty for the suicide committed by the husband of the informant. The charge-sheet in the said crime is already filed as the investigation is completed. Therefore, appellants be granted Anticipatory Bail. Learned Advocate Mr. Ade further submitted that there is no involvement or abetment on the part of the appellants to harass the deceased up to such an extent so that there was no other option left to the deceased to take extreme step to commit suicide. On the contrary, on perusal of the FIR itself discloses

that just before the suicide there was quarrel between the informant and the deceased himself. The informant in order to save her own skin, has lodged false complaint against the appellants. Hence, it is prayed that the anticipatory bail may be confirmed.

4. Per Contra, Mr. Bhadane, the learned APP for the State submitted that the appellants are involved in serious crime. The informant and the deceased on the previous date had been to the police station to register a complaint against accused Akash Jire for outraging modesty of the informant. On the same day, the appellants alongwith said Akash Jire had been to the house of the deceased and they had quarreled with the informant as well as the deceased. Due to the said harassment the deceased had taken extreme step and ended his life. Therefore, the appellants are not entitled for protection.

5. I have also heard Mr. Shejwal, the learned Advocate for the informant-respondent No. 2, who has adopted the submissions of the learned APP.

6. After going through the entire record placed before me and after hearing learned Advocates appearing for all the parties at length, it is clear that the deceased had committed suicide due to hanging and prior to his death there was quarrel between the deceased and the informant herself. Admittedly, after perusal of the record, the deceased cannot be said to have committed suicide on account of the harassment meted out to him at the hands of the present appellants. Section 306 of

the IPC states that, if any person commits suicide, whoever, abates the commission of such suicide shall be punished with imprisonment, which may extend to 10 years. The definition of abetment as per Section 107 of the IPC comes into picture. As per Section 107 IPC a person can be said to have abetted the doing of things who instigate any person to do that thing. The offence of abetment depends upon the intention of person who abets and not upon act which is actually done by the person whom he abets. Such abetment involves the mental process of instigating person or intentionally aiding the person in doing that thing. Thus, there needs to be proximity of nexus between the conduct and behavior of the accused with that of the suicide committed by the deceased.

7. The appellants are on ad-interim protection and they have co-operated with the investigation. They have not misused their liberty. The investigation is completed and as such their custody is not required. Hence I pass the following order :

ORDER

- (i) Both the appeals are allowed.
- (ii) The interim protection granted vide orders dated 30.07.2025 in Appeal No. 575 of 2025 and 17.07.2025 in Appeal No. 532 of 2025 are confirmed.
- (iii) Appellants shall attend the concerned Police Station on every 5th and 20th day of the each month till conclusion

of the trial.

(iv) The appellants in the event of arrest shall be released on PR bond in the sum of Rs. 25,000/- each with one surety each in the like amount.

(v) The Appellants, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

(vi) The Appellants shall co-operate with the trial Court and shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

(vii) The appellants shall furnish their details of residential addresses and other contact details such as the mobile number etc. to the concerned Police Station. If there is any change in contact details, same shall be immediately informed to the concerned Police Station.

(viii) The appellants shall not contact and/or influence the witness/es and/or tamper with evidence in any manner whatsoever.

8. Needless to say, in case of violation of any of the aforesaid conditions, the protection granted to the Appellants shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present appeal. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. Both the Criminal Appeals are disposed of in above terms.

(SUSHIL M. GHODESWAR, J.)

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