



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1310 OF 2025

Akshay Santosh Shinde
VERSUS
The State Of Maharashtra

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- Mr. O. S. Shendkar, Advocate for Applicant
- Mr. R. K. Ingole, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 03.12.2025

PER COURT :

1. The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 791 of 2024, dated 12.07.2024, registered with Topkhana Police Station, Ahmednagar, for the offences punishable under Sections 108, 79, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The learned counsel for the applicant submits that the applicant is charged with the offence of abetment of suicide; however, there is nothing on record to demonstrate any instigation, intentional aid or provocation at the hands of the applicant which compelled the deceased to commit suicide. It is contended that the allegation against the applicant is limited to harassment of the wife of

the deceased and such harassment, even if accepted at face value, does not ipso facto amount to instigation so as to attract the offence under Section 108 of the BNS.

3. Learned counsel further submits that the applicant has no criminal antecedents and is ready and willing to abide by any conditions which may be imposed by this Court. It is further submitted that custodial interrogation is not necessary. Reliance is placed on the judgment of the Hon'ble Apex Court in **Bhadresh Bipinbhai Sheth vs. State of Gujarat and another**, Criminal Appeal Nos. 1134–1135 of 2015 (arising out of SLP (Crl.) Nos. 6028–6029 of 2014), particularly paragraph 21, wherein it is held that merely because the accused is charged with a serious offence, that by itself cannot be a ground to refuse anticipatory bail if the facts and circumstances otherwise justify grant of such relief.

4. It is further submitted that there is no overt act attributable to the present applicant in immediate proximity to the time of the commission of suicide and, therefore, no prima facie case under Section 108 of the BNS is made out against the applicant.

5. As against this, learned APP vehemently opposes the application and submits that the First Information Report, lodged by Chanda Shinde, mother of the deceased Shubham Shinde, clearly narrates continuous harassment during the weeks preceding the

incident. The FIR specifically refers to the incident dated 10.07.2024, wherein the applicant is alleged to have climbed the wall of the house and harassed the wife of the deceased.

6. It is further submitted that the statement of the wife of the deceased, recorded under Section 161 of the Code of Criminal Procedure, corroborates the contents of the FIR. She has stated that on 10.07.2024, while she had gone to the terrace for drying clothes, the applicant threatened her and warned that unless she met him, he would kill her husband. The said incident was narrated to the deceased, who thereafter went to the terrace but did not find the applicant. Later, the applicant allegedly called the deceased to meet him in town, where a verbal altercation took place. The deceased thereafter expressed fear, depression and apprehension of dire consequences and committed suicide. It is thus submitted that this is not a fit case for grant of anticipatory bail, the application may be rejected.

7. I have gone through the investigation papers and the statements recorded during the course of the investigation. It is revealed from the statements recorded by the prosecution that the wife of the deceased was threatened by the applicant when she went to the terrace for drying clothes. When the said incident was narrated to the deceased, an altercation ensued between the deceased and the

applicant. Thereafter, the applicant called the deceased to meet him, and in immediate proximity thereto, the deceased was found hanging in the bedroom. The said version is further corroborated by the statement of the wife of the deceased recorded by the learned Magistrate under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on 15.07.2024. The statement of the complainant-mother of the deceased has also been recorded under Section 183 BNSS.

8. Thus, there is prima facie material showing continuous harassment, threat and a direct nexus with the suicide of the deceased. In view of the nature of allegations and material collected, this is not a fit case for exercising the discretion of this Court to grant anticipatory bail. The application therefore deserves to be rejected.

9. The Anticipatory Bail Application is rejected and disposed of.

(MEHROZ K. PATHAN, J.)