



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

924 BAIL APPLICATION NO.1452 OF 2025

**SHOBHA DADARAO KUNDILE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.K.P.Rodge
APP for Respondent-State : Mrs.P.V.Diggikar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 05.08.2025**

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as she is arrested on 28.06.2025 in connection with Crime No. 0203/2025, registered with Aurad Shahajani Police Station, Dist. Latur, for the offence punishable under Sections 108 and 3 (5) of the BNS, 2023.

3] The FIR is registered, on 23.06.2025, by the brother of the deceased, alleging therein that on 19.06.2025 at about 11.25 p.m. to 11.40 pm. his sister, namely, Sunita has committed suicide by hanging herself in her residential house in village Hangarga Sirsi due to harassment by the

accused persons. It is further alleged that the present applicant along with co-accused were subjecting the deceased to cruelty and therefore the deceased committed suicide. As such, the FIR is registered against them.

4] The learned counsel for the applicant submits that the deceased married with the son of the applicant in the year 2005 i.e. 20 years back and they have two children around 14 years and 16 years of age. He further submits that the applicant is arrested on 28.06.2025. Thereafter, the applicant has filed Bail Application before the Sessions Court and the same was rejected. As such, the present application is filed before this Court.

5] The learned APP points out the statements of son and daughter of the deceased dated 24.06.2025 wherein son of the deceased has stated that while he held the leg of his mother where she was found hanging, the applicant present there laughed whereas daughter of the deceased has stated in her statement that when she was crying near her deceased mother at that time grand mother had not come near her. As such, the present applicant is responsible for the death of the deceased. The applicant has harassed the deceased and as such the deceased committed suicide and has thus abetted her suicide. The learned APP further points out the statement of Shakuntala @ Sakhubai i.e. sister of the deceased wherein she stated that on the day

when the deceased committed suicide, her sister had mentioned to her that she with her son wanted to go to Pune.

6] *Per contra*, the learned counsel for the applicant submits that the deceased married with the son of the applicant in the year 2005 i.e. before 20 years back and the son of the applicant i.e. husband of the deceased had developed tuberculosis and the husband of the deceased is now bedridden. He further submits that prior 1 and half year, father-in-law of the deceased on account of prevailing situation in the family had passed away due to heart attack. He further submits that the husband of the deceased is suffering from tuberculosis and is bedridden for longtime and the care requirements of the bedridden son has taken toll on the family financially and mentally and possibly the deceased may have committed suicide owing to frustration for which the applicant is not responsible for death of the deceased. Under such circumstances, the case of the applicant would not fall within 108 of the BNS. Considering the said fact, bail should be granted in favour of the applicant.

7] Having considered the rival submissions. It appears from the material placed on record that the husband of the deceased was suffering from tuberculosis and he is now bedridden and prior 1 and half year the

father in law of the deceased on account of prevailing situation in the family had expired due to heart attack. The children of the deceased are now residing with the maternal grand father and mother and that there is nobody present in the family to take care of the husband of the deceased, who is suffering from tuberculosis. Considering the fact situation i.e. huge mental and financial stress on family on account of bedridden son of applicant and the possible shock received by the applicant, when in quick succession all adult family members having passed away her immediate behaviour on passing away of her daughter in law is not completely abnormal and considering the evidence as is available on record, *prima facie* it cannot be said that the applicant has instigated or driven the deceased to commit suicide.

8] In the case of **Mahendra Awase Vs. State of Madhya Pradesh** reported in **2025 SCC OnLine SC 107**, the Hon'ble Supreme Court has laid down the law in respect of abatement of suicide at para Nos.14 and 15 as under:-

14. In Madan Mohan Singh vs. State of Gujarat, (2010) 8 SCC 628, this Court held that in order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It was further held that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for attracting Section 306.

15. In Amalendu Pal alias Bhantu Vs. State of

West Bengal, (2010) 1 SCC 707, this Court held as under:-

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable. [Emphasis supplied]”

9] In view of the law discussed in the above judgment of the Supreme Court, in order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required and the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for attracting Section 306. However, in the instant case the alleged act of the applicant of harassment cannot be prima-facie termed as ‘abetment’ to commit suicide.

10] In view of above, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 0203/2025, registered with Aurad Shahajani Police Station, Dist. Latur, for the offence punishable under Sections 108 and 3 (5) of the BNS, 2023, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and she shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and she shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of her Contact Number and residential address with updates in case of any change.

11] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. 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.

12] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC