



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

39 CRIMINAL APPEAL NO. 605 OF 2025

1. Akash Motilal Jire,
Age; 31 years, Occ; Business,
R/o; Near Maroti Temple, Kahar Galli,
Paithan, District Aurangabad.

...APPELLANT
(Orig. Accused No. 1)

VERSUS

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

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

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

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CORAM : SUSHIL M. GHODESWAR, J.

Date of Reservation : 10.11.2025
Date of Pronouncement : 14.11.2025

PER COURT :

1. Heard Mr. Ade, learned Advocate appearing for the appellant.
2. Appellant is challenging the order dated 06.08.2025 passed

below Exh.-1 by the Special Judge (under SC and ST Act), Paithan in Criminal Bail Application No. 111 of 2025 wherein, the application for grant of regular bail of the appellant came to be rejected. The appellant has further prayed for grant of regular bail before this Court.

3. According to the appellant, he came to be arrested on 22.06.2025 in Crime No. 223 of 2025. The said 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 the appellant for outraging her modesty. After registration of the said report against the appellant, they returned to their house. However, at night on the same date at about 10.00 p.m., the appellant along with other accused persons came to her house and quarreled with them, on the point as to why they have lodged report against the appellant Akash Jire. Said Akash Jire alleged to have threatened her. She further stated in the report that her husband had obtained a hand loan of Rs. 5,000/- from Gorakh Limbore and on account of the said hand loan the accused persons were harassing her husband. She has alleged in the report that the appellant used to create dispute between her and her husband and therefore, due to all aforesaid events her husband was continuously under pressure. On 21.06.2025

at about 9.00 hrs. in the morning in view of the dispute between the informant and her husband she had gone to the Police Station. That time one Nandu Magare came to the police station and informed that her husband had committed suicide. Therefore, she returned her house and found that her husband has committed suicide by hanging and therefore, the informant lodged report against the accused persons.

4. Mr. Ade, learned Advocate for the appellant has submitted that in the aforesaid circumstances the appellant cannot be held guilty for the suicide committed by the husband of the informant. The appellant is languishing in the jail since then and the charge-sheet in the said crime is already filed as the investigation is already completed. Therefore, now there is no point in keeping the appellant inside the custody till the conclusion of the trial. It is further stated that the trial will take its own time to commence and conclude and till that time the appellant cannot be kept behind the bars for unknown duration. Therefore, Mr. Ade, learned Advocate for the appellant is praying for grant of regular bail. He further submitted that there is no involvement or abetment on the part of the appellant to harass the deceased up to such an extent that there was no other option to the deceased to take such extreme step to commit suicide by hanging. On the contrary, on perusal of the FIR, itself discloses that just before commission of 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 not only against the appellant but also against the other accused persons. Hence, in such circumstances, the appellant deserve to be released on regular bail.

5. Per Contra, Mr. Bhadane, the learned APP for the State submitted that the appellant is involved in the serious crime. The informant and the deceased on the previous date had been to the police station to register a complaint against the appellant for outraging modesty of the informant. Therefore, the appellant alongwith other accused persons 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 appellant is not entitled to be released on regular bail.

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

7. 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 by hanging and prior to his death there was quarrel between the deceased and the informant herself. Admittedly, after perusal of the record it is crystal clear that the deceased cannot be said to have committed suicide on account of the

harassment meted out to him, at the hands of the present appellant. Section 306 of the IPC states that if any person commits suicide, whoever, abets 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 the things who instigate any person to do that thing. The offence of abetment depends upon the intention of a 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.

8. In view of the aforesaid observations, at this stage it cannot be said that the appellant has abetted any commission of suicide by the deceased. Hence I pass following order :

ORDER

a] The Appellant shall be released on bail in connection with FIR No. 223 of 2025 registered at Paithan Police Station, District Aurangabad (Rural) for the offence punishable under Sections 108, 189 (2), 190, 191(2), 352, 351(3) of the Bhartiya Nyaya Sanhita, 2023 and Section 3 (1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court.

b] The Appellant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during

the pendency of the trial.

c] The Appellant 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.

d] The Appellant shall not tamper with the evidence of the prosecution and shall not influence the informant, witnesses and other persons concerned with the case and not to indulge in any criminal activities.

e] The Appellant, upon being released on bail, shall attend the concerned Police Station on every 5th and 20th day of each month till the conclusion of trial.

f] The Appellant, upon being released on bail, shall place on record of the trial Court his details of Contact Number and residential addresses with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the Appellant shall be liable to be cancelled.

10. 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.

11. The appeal stands disposed of.

(SUSHIL M. GHODESWAR, J.)

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