



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.703/2025

VAIBHAV @ KRISHNA RAVAN GODSE ...APPLICANT
VS
STATE OF MAHARASHTRA AND ANR ...RESPONDENTS

...
Adv. Ganesh Kore a/w Sampada S. Patil & Abhishek Nagode for the
Applicant.
Adv. Supriya V. Kak, APP for the Respondent State.
...

CORAM : RAJESH S. PATIL, J.
DATED : APRIL 15, 2025

P.C.:

1. The applicant, in the event of his arrest, seeking anticipatory bail under Section 482 of the Code of Criminal Procedure in Crime No. 6/2025 registered with Pangari Police Station for the offence punishable under Section 306 of the Indian Penal Code 1860.

2. Mr. Kore, learned counsel for the applicant submits that there is no antecedent as far as the present applicant is concerned. The victim girl is married with the nephew of the present applicant. She has not filed any kind of complaint against the present applicant. There is a doubt as far as the mental condition of the deceased, who was the mother of the victim girl is concerned. There was no intention of the present applicant for abatement or to instigate the deceased to commit

suicide. In series of judgments of the Supreme Court, the latest being in case of *Ayyub & Ors. vs. State of Uttar Pradesh & Anr.* in *Criminal Appeal No. 461 of 2025* dated 7th February, 2025, the Supreme Court has held that in order to make out an offence under Section 306 IPC, specific abatement 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 abatement is required. He submits that there is no antecedent against the present applicant. Therefore, the custodial interrogation of the present applicant is not necessary.

3. The learned APP submits that the statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been recorded of the first informant-victim girl, who is 18 years old. As per the said statement as far as the present applicant, who is the maternal uncle of the husband of the victim girl, she mentions that he had told her to go back to her parent's house. However, it was the victim girl, who told to the applicant (Mama) that if they drop her back to her parent's house, she will commit suicide.

4. I have heard the counsel for both the sides and have gone through the documents on record including the FIR.

5. The mother of the victim girl has committed suicide after the victim girl was left her house and got married with the nephew of

the present applicant. In the statement of the victim girl recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023, she has specifically mentioned that “she does not want to go back to her parents house and she has no complaint against the present applicant, who is the Mama of her husband and if she forcefully sent back to her parents house, she will commit suicide.” It is unfortunate that the mother of the victim girl has committed suicide. It appears that she was in some kind of mental pressure.

6. Supreme Court in catena of judgments, has clarified the law as far as Section 306 read with Section 107 of the Indian Penal Code is concerned. The Supreme Court in the judgment of *Prakash & Ors. vs. The State of Maharashtra & Anr., in Criminal Appeal No. 005543 of 2024 (Arising out of SLP (Cri) No. 1073 of 2023)* in paragraph 14 has held as under :-

14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well-established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear *mens rea* to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

[Emphasis supplied]

7. So also, in the judgment of Supreme Court in case of

S.S.Chheena vs. Vijay Kumar Mahajan & Anr. (2010) 12 SCC 190 has considered the provisions of scope of section 306 of IPC and the ingredients which are essential for abetment, as setout in Section 107 of the IPC. Paragraphs 16, 18, 21, 23, 24 held as under:-

“16. The word “suicide” in itself is nowhere defined in the Penal Code, however its meaning and import is well known and requires no explanation. “Sui” means “self” and “cide” means “killing”, thus implying an act of self-killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

18. In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 IPC.

21. The learned counsel for the appellant has placed reliance on a judgment of this Court in Mahendra Singh v. State of M.P [1995 Supp (3) SCC 731 : 1995 SCC (Cri) 1157] In Mahendra Singh [1995 Supp (3) SCC 731 : 1995 SCC (Cri) 1157] the allegations levelled were as under: (SCC p. 731, para 1)

“1. ... My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning.”

The Court on the aforementioned allegations came to a definite conclusion that by no stretch the ingredients of abetment are attracted on the statement of the deceased. According to the appellant, the conviction of the appellant under Section 306 IPC merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.

23. In State of W.B. v. Orilal Jaiswal [(1994) 1 SCC 73 : 1994 SCC (Cri) 107] this Court has cautioned that: (SCC p. 90, para 17)

“17. ... The court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it [appears] to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.”

24. This Court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) [(2009) 16 SCC 605 : (2010) 3 SCC (Cri) 367] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goading”. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

8. Considering the law laid down by the Supreme Court and the contents of the FIR, the fact that the applicant has no antecedent and at a *prima facie* stage from the record available, it does not appear that he has instigated the deceased to commit suicide, I am satisfy that

as of today, the custody of the present applicant is not necessary. The present anticipatory bail application is allowed. Hence, the following order :-

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with Crime No. 6/2025 registered with Pangari Police Station, Solapur Rural for the offences punishable under Sections 306 of the Indian Penal Code 1860, the applicant shall be released on bail, on furnishing PR. bonds to the extent of Rs.30,000/- with one or more sureties of the like amount.
- (c) The applicant shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 21 April 2025 and 22 April 2025 between 11:00 a.m. to 1:00 p.m. and thereafter on every Monday between 11:00 a.m. to 1:00 p.m. till filing of the charge-sheet.
- (d) The applicant should not directly or indirectly contact the first informant in any form whatsoever.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and further, the applicant shall not tamper with the evidence in any manner whatsoever.

(f) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. **The anticipatory bail application is disposed off.**

(RAJESH S. PATIL, J.)