

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 3569 of 2024

1. Gorakh Rangnath Bodake

Age 37 years, Occ. Agriculture,

2. Sagar Popat Bodake

Age 27 years, Occ. Agriculture,

Both R/o. - At Post Joran,

Taluka – Dhindori, Dist.- Nashik.

... Applicants

versus

The State of Maharashtra

At the instance of Dindori Police

Station, Tal & District – Nashik

(To be served through A.P.P.

High Court, Mumbai).

...Respondent

Mr Rameshwar Gite a/w Mr Sushant Tare, Mr Hiten Raut, for
the Applicants.

Mr S V Walve, APP, for Respondent / State.

PSI S E Netavate, Dindori Police Station, Nashik, is present.

Coram: R.N. Laddha, J.

Date: 14 July 2025

P.C.:

. By this application, the applicants seek pre-arrest bail in
connection with CR No.471 of 2024, registered at Dhindori

Police Station, Nashik (Rural) for offences punishable under Sections 352, 351(1), 108, read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. In the present case, the informant is the wife of the deceased, who has alleged that the actions of the co-accused persons, including the present applicants, led her husband to commit suicide. It is alleged that co-accused Chandrashekhar Wagh was interested in marrying the daughter of the informant and the deceased. However, the daughter stated that she would marry according to her family's wishes. It is alleged that in this backdrop, the accused persons, including the applicants, abused and assaulted the deceased, subjecting him to immense mental stress. The present applicants are the maternal uncle of the co-accused Chandrashekhar. It is further alleged that the applicants and the co-accused threatened one Eknath Sangale and prevented him from using the way to his field. Consequently, on 3 December 2024, he committed suicide.

3. The learned Counsel appearing on behalf of the applicants, submits that, even assuming the allegations made by the informant in her statement to be true, the essential ingredients of the offence under Section 108 of the BNS are not satisfied. He submits that the present case does not constitute

abetment of suicide as there is no indication of any intention on the part of the applicants to provoke or instigate the deceased to end his life. The learned Counsel further points out that, on the very day the deceased is alleged to have died by suicide, his daughter solemnised her marriage with the co-accused Chandrashekhar. A marriage certificate dated 3 December 2024 has been annexed to the application in support of this fact.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State opposes the applicants' plea of pre-arrest bail and submits that the accused persons, including the applicants, are accused of repeatedly abusing and assaulting the victim. According to the learned APP, this relentless harassment created an unbearable situation for the deceased, ultimately driving him to take the drastic step of ending his own life.

5. Upon perusing the records, it appears that the co-accused have already been granted anticipatory bail. Even assuming the veracity of the allegations contained in the FIR, at most, the accused persons, including the present applicants, may be held liable for a distinct set of offences unrelated to the one presently alleged. The informant's own statement reveals that the deceased had previously initiated criminal proceedings against the same set of accused persons at the very same police

station, registered as FIR No.442 of 2024. That earlier FIR included allegations under Section 118(1) of the BNS. In light of these facts, this Court is of the opinion that the applicants have demonstrated a *prima facie* case in their favour. Specifically, the essential ingredients required to establish an offence of abetment to suicide, namely, the presence of intention or active instigation on the part of the accused, do not appear to be satisfied in the present circumstances. Furthermore, the certificate of marriage dated 3 December 2024 indicates that the informant's daughter and co-accused, who is the nephew of the present applicants, was legally married on the very day the deceased ended his life. This fact suggests the possibility that the deceased may have been emotionally distressed or disheartened by his daughter's decision to marry the co-accused. Such a circumstance, while unfortunate, does not in itself constitute evidence of criminal instigation by the applicants. Accordingly, the applicants have established a plausible basis to claim that, *prima facie*, no offence under Section 108 of the BNS is made out against them. Additionally, the investigation has already been concluded, and nothing is to be recovered or discovered from the applicants.

6. In light of the above, the application is allowed in the

following terms.

ORDER

(i) In the event of the applicants' arrest in connection with CR No.471 of 2024, registered at Dindori Police Station, Nashik (Rural), they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required.

(iii) The applicants, themselves or through any other person, shall not indulge in any activities that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]