

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1444 OF 2025

Akash Bharat Rathod	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Keshav Damani i/by Ms.Shraddha Kadam, *for the Applicant.*
Ms. Anamika Malhotra, *APP for the Respondent - State.*
Ms. Keral Mehta, *appointed Advocate the Respondent No.2.*
IO – Pradip Umaji Wakchoure, Govandi Police Station,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 11th NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.310 of 2024 dated 26th October, 2024, registered with the Govandi Police Station, for the offences punishable under Sections 107 of the Bhartiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the case, in brief, are that at the time of the incident the victim was 16 years and 2 months of age and the Applicant was 23 years of age. The Applicant and the

victim were stated to be in relationship with the Applicant. According to the prosecution the Applicant used to harass the victim including physical abuse as well as intimidation. He used to borrow money from her and had also taken away her gold chain, which he later pledged with a jeweler. The victim tiring of the harassment, decided to end her life. Accordingly, on 5th October, 2024, the victim committed suicide on account of harassment and ill-treatment meted out to her, by hanging herself in her room. Pursuant to registration of FIR by the victim's mother, the Applicant was arrested on 22nd October, 2024.

3. The Applicant made a bail application before the Additional Sessions Judge, Greater Bombay, however, by order dated 15th January, 2025, his bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Damani, learned counsel for the Applicant, submits that the Applicant and the victim were in a

relationship. He further submits that there was some dispute between them, however, he had not met her for a period of more than 2 months prior to the incident. He also submits that the victim used to come and stay with him and thereafter return home, to her mother's house. He submits that there is no suicide note left behind by the victim and it was because of sensitivity of the victim that she committed suicide. He brought to my attention the statement of the maternal uncle of the victim. In the said statement the said uncle has stated that he was aware of the relationship between the Applicant and the victim and in fact, had on many occasions advised the victim not to continue the relationship. He submits that no harassment and ill-treatment is meted out by the Applicant and the Applicant is not responsible for the act of the deceased. Thus, the Applicant be released on bail.

5. Ms. Malhotra, learned APP, representing the State, contests the bail application. She points to the statement of victim's friend and also states that she found the victim / deceased in some stress and when she asked her about the

same, the victim had told her that she was upset with the Applicant as the Applicant was harassing her. There are also statement of other witnesses who also narrated the same. Ms. Malhotra submits that the victim was a minor and it was only because of the harassment meted out to her by the Applicant that she ended her life.

6. Ms. Mehta, learned Advocate appointed to represent Respondent No.2, supports the arguments advanced by Ms. Malhotra and also points to the statement of other witnesses as pointed out by Ms. Malhotra. She submits that the victim was a minor and felt intimidated and threatened by the Applicant and hence she took the desperate step to end her life. Hence, she resits the Bail Application.

7. I have heard learned counsels for the respective parties and perused the record with their assistance.

8. A plain reading of the FIR indicates that the first informant who is the mother of the victim was totally unaware of the relationship between the Applicant and the

victim and it was only after her death that she went through the WhatsApp chat between her daughter and the Applicant. I have perused the statement of the maternal uncle of the victim. The uncle has clearly stated that he had tried to convince the victim not to continue the relationship with the Applicant if she was being harassed, however, the victim paid no heed to the uncle. I have also perused the statement of the victim's friend namely Pooja Koli, who has also stated that on 8th October, 2024, when she found the victim to be in some stress, the victim had confided in her that the Applicant was troubling her and in fact told her that if the ill-treatment continued she shall kill herself. She also advised the victim to confide in her mother and uncle, who would then deal with the Applicant accordingly.

9. Admittedly, the Applicant has no antecedents; the charge is framed and one witness has already been examined. The prosecution intends to examine in all 11 witnesses. *Prima facie* there is no material to indicate direct role of the Applicant in the suicide committed by the victim. It is settled

law that there must be a close proximity between the positive act of instigation by the accused person and the commission of suicide by the victim. Presently, there is nothing to suggest such close related proximity. The same can be determined during the course of the trial.

10. In this view of the matter, considering that trial is not likely to conclude in the foreseeable future and there are no antecedents in respect of the Applicant, I am inclined to enlarge the Applicant on bail and it is ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

iv) The Applicant shall not leave India, without the permission of the Trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)