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

ANTICIPATORY BAIL APPLICATION NO. 520/2025

ATUL RAVI KHAPRE

..APPLICANT

VS.

STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. L. R. Shahapur a/w. Adv. Deepali Bobade, Adv. B. Meti i/b. Adv. Monisa Usmani for applicant.

Mr. Ajay S. Patil, APP for State.

Adv. Maitreya Shukla for respondent no.2 appointed through Legal Aid Panel.

API Sagar Bhapkar, Parksite Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 15, 2025.

P.C. :

1. This is an application under Section 482 of the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 for having the protection of pre-arrest bail in connection with the First Information Report (FIR) No.68 of 2025 dated 29.01.2025 registered with Parksite Police Station, Gr. Mumbai, for the offences punishable under Section 108 of the Bhartiya Nyay Sanhita, 2023.

2. The prosecution's case is that the informant's 17-year-old daughter was in a relationship with the present applicant. Both were

residing in the same locality. The said girl committed suicide on 23/1/2025. The informant, therefore, filed a complaint on the ground that due to the harassment by the present applicant, his daughter was compelled to commit suicide. An FIR to that effect was registered.

3. The learned advocate for the applicant submits that the applicant is an 18-year-old student studying in the 12th standard and, due to the unfortunate incident, was unable to appear for his 12th standard examination. He submits that there was no intention on the part of the applicant to abet the suicide of the victim. The applicant never anticipated that the victim would take such an extreme step merely because he was unable to continue the relationship with her and had entered into a relationship with another girl. The applicant made efforts to convince the victim not to take any extreme steps and even called the victim's neighbors to help dissuade her. One of the neighbors also attempted to counsel the victim. However, despite these efforts, the victim tragically committed suicide on 23 January 2025.

4. The learned APP submits that the applicant has handed over his mobile phone to the IO. The applicant has also attended the office

of the IO and has cooperated with the investigation. The applicant is 19 years old student and has no criminal antecedents reported against him. The learned APP has relied upon the judgment of the Supreme Court in the case of *Patel Babubhai Manohardas & Ors. vs. State of Gujarat (2025 LiveLaw (SC) 288)*.

5. I have heard the learned counsel for both the sides and the learned APP for the State. I have also gone through the FIR and the documents on record.

6. The present applicant is a student of 19 years of age. He was having earlier a friendship with the victim girl and thereafter, relationship broke with the victim girl who was also 17 years of age studying in 11th Standard. However, subsequently, the present applicant had relationship with another girl. This fact was not liked by the victim girl and there was some kind of quarrel between the victim girl and the present applicant. As the present applicant showed to the victim the photographs of the girl with whom he had developed friendship. The said fact was not liked by the victim girl and she went ahead and hanged herself with an iron angle using dupatta. On the applicant had a fear that the victim girl would harm herself, he made efforts to convince the victim but he failed. He even

called the victim girl's neighbors to dissuade her. One of the neighbors also attempted to counsel the victim. However, despite the efforts the victim girl committed the suicide on 23/1/2025.

7. At a *prima facie* stage, I am not able to find any provocation from the present applicant for the victim girl to do the act of committing suicide. 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 antecedents against the present applicant. Therefore, the custodial interrogation of the present applicant is not necessary.

8. The 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]

9. 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.

10. The learned counsel appearing for the informant has handed

over a copy of the judgment passed by the Supreme Court in ***Chitresh Kumar Chopra vs. State (Govt. of NCT of Delhi)*** (2010 AIR SCW 645). The facts in the said judgment is regarding monetary transaction between the parties. There was suicide note which was involved in the said proceeding. Hence, the facts in the present proceeding and the said judgment of ***Chitresh Kumar Chopra*** (supra) are different because in the present proceeding, there is no suicide note left by the victim girl.

11. Considering the facts of the present proceeding and the law laid down by the Supreme Court, including the fact that the applicant is 19 years student, I am convinced that the custody of the present applicant is not required. Hence, the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with FIR No.68 of 2025 dated 29.01.2025 registered with Parksite Police Station, Gr. Mumbai, the applicant shall be released on bail, on furnishing PR. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) 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 shall not tamper with evidence.

(d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.

(e) The applicant shall attend the concerned police station and meet the IO on 21/4/2025, 22/4/2025 and 23/4/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, on every alternate Mondays between 11.00 a.m. to 1.00 p.m.

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

13. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)