

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

Anticipatory Bail Application No.1430 of 2025

1. Abhishek Balaram Keni

Age:36 years, Occupation: Service,
Residing at: Mouje Pethali Gav,
Taloja, Tal. Panvel, Dist. Raigad

2. Prabhavati Balaram Keni

Age: 64 years, Occupation: Housewife
Residing at Mouje Pethali Gav,
Taloja, Tal. Panvel, Dist. Raigad

... Applicants

versus

1. The State of Maharashtra

Through Taloja Police Station,
Navi Mumbai.

2. Dyaneshwar S Patil

Age: 65 years, Occupation: Business,
R/o. 417, Pandhargao, Panvel, Raigad.

... Respondents

Mr Ashok P Mundargi, Senior Advocate, a/w. Mr Niranjan Mundargi, Mr Sachin P Kini, Mr Mahesh Vishwakarma, Mr Amol G Khillare, Mr Rakesh Keni, Mr Aniket Mohite, Ms Akshada Mhaskar and Ms Gauri Barne, for the applicants.

Mr Swapnil S Pednekar, APP, for respondent No.1/ State.

Mr Aniket Nikam, a/w. Ms Shreya Anuwal, i/b. Mr Sumit Patil, for the intervenor/respondent No.2.

Coram: R.N. Laddha, J.

Date: 2 July 2025.

P.C.:

At the outset, the learned Senior Counsel appearing on behalf of the applicants submits that the application is not being pressed insofar as applicant No.2 is concerned. Accordingly, the application is dismissed as against applicant No.2.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.154 of 2025, dated 1 May 2025, registered at Taloja Police Station, Navi Mumbai, for the offences punishable under Sections 108, 85 read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The First Information Report (FIR) in this case was lodged by the father of the deceased. As per the FIR, the deceased faced harassment from the applicant, his mother, and other relatives due to the birth of a female child and was also blamed for the death of her younger daughter, Baya. It is alleged that the applicant and the co-accused consistently taunted and humiliated the deceased, which ultimately drew her to take her own life and the life of her elder daughter. The incident is attributed to ongoing mental and emotional abuse.

4. Mr Ashok Mundargi, the learned Senior Counsel appearing on behalf of the applicant, asserting the applicant's

innocence, submits that the applicant has been falsely implicated in the present case. He submits that the material relied upon by the prosecution, including the alleged suicide note and the writing on the wall, does not attribute any blame to the applicant. On the contrary, both the suicide note and the writing on the wall clearly point towards the deceased's mother-in-law as the person responsible for her mental distress. The suicide note, which was expressly addressed to the applicant (her husband), contains allegations solely against the mother-in-law and makes no mention of any harassment or misconduct by the applicant himself. The grievance of the deceased was specifically directed towards the mother-in-law and not the applicant. Nowhere in the suicide note or on the writing on the wall is there any suggestion of harassment or instigation on the part of the applicant. Rather, the tenor of the note is in the form of a complaint against her mother-in-law which is addressed to her husband.

5. The learned Senior Counsel further submits that both the applicant and the deceased had been under severe emotional and psychological strain following the untimely and tragic death of their younger daughter. Despite this hardship, the applicant, after recovering from his own medical condition, had taken proactive steps to support the family's emotional healing.

He had planned a family vacation to Kashmir, scheduled for early May 2025, and booked the trip through Kesari Tours on 8 April 2025. This planned holiday, as evidenced by documentary records, is a clear indication of a normal and affectionate relationship between the husband and wife and directly contradicts any suggestion of hostility or domestic discord. The learned Senior Counsel also emphasises that throughout the duration of their eight-year marriage, there is no record of the deceased having filed any complaint or non-cognizable report against the applicant. There has been no prior history of domestic abuse, dowry harassment, or any form of cruelty against the applicant. The FIR in the present case is vague and based on general and omnibus allegations against the applicant, without any reference to specific acts or incidents that would meet the legal threshold for an offence under Section 108 of the BNS.

6. The learned Senior Counsel submits that the allegation of demand for Rs 25 lakhs by the applicant and his family members was not part of the FIR and was only introduced later in a supplementary statements by the informant. Even this claim, the learned Senior Counsel argues, is unsubstantiated, as the deceased herself never voiced any such grievance or accusation during her lifetime, either to the authorities or in the

suicide note.

7. The learned Senior Counsel points out that the FIR was lodged on 1 May 2025 after a delay of seven days from the date of incident. This inordinate delay, according to him, casts a serious doubt on the authenticity and spontaneity of the FIR. Furthermore, the learned Senior Counsel submits that neither the handwritten note purportedly authored by the deceased nor the writing was found on the wall at the scene of the occurrence makes any direct or indirect reference to the applicant. The learned Senior Counsel further argues that the FIR contains vague, generalised, and omnibus allegations, lacking in any specific or proximate act of instigation, encouragement, or active participation on the part of the applicant that could be construed as abetment to suicide under the applicable legal framework. There is no material available on record to suggest that the applicant's conduct was so coercive, cruel, or oppressive as to compel the deceased to take such an extreme step. Additionally, the applicant has no criminal antecedents and is willing to cooperate with the investigation.

8. Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent/State, and Mr Aniket Nikam,

learned Counsel for the first informant/ respondent No.2, opposing the request for bail, jointly contend that the offence is of a grave and serious nature. It is their contention that the conduct of the applicant was responsible for subjecting the deceased to mental and physical harassment, which ultimately led her to end her life. They submit that the deceased was tormented specifically due to the birth of a female child and assert that as a part of ongoing harassment, the deceased was compelled to visit a 'Tantrik' and was administered certain food preparations over a prolonged period. They further submit that the contents of the suicide note written by the deceased indicate that the deceased attributed her extreme step to the persistent harassment meted out to her by all the accused. According to them, the gravity of the allegations, coupled with the existence of the suicide note, militates against the grant of pre-arrest bail to the applicant.

9. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the record.

10. In the present case, upon a *prima facie* evaluation of the material available on record, it does not appear that the applicant engaged in any overt act or omission at the relevant time that can be construed as having instigated, abetted, or compelled the deceased to take the extreme step of ending her

life. There is no material to suggest that the applicant conducted himself in a manner that was so coercive, harassing, or oppressive as to deprive the deceased of a reasonable alternative, thereby driving her to commit suicide. Furthermore, there is no material on record to show that prior to the unfortunate incident, any complaint or grievance had been made by the deceased against the applicant, either formally or informally. The contents of the alleged suicide note do not implicate the applicant in any direct or indirect manner. The tenor of the suicide note and the writing found on the wall suggest that the grievances of the deceased were primarily directed towards her mother-in-law. At no point do these writings attribute any culpability or blame to the present applicant. Furthermore, no recovery or discovery has been contemplated or is pending from the applicant. The concerns raised by the prosecution regarding the potential of the applicant to tamper with evidence or influence witnesses are speculative and can be adequately mitigated through the imposition of appropriate conditions.

11. In light of the foregoing considerations and the absence of any incriminating material against the present applicant, this Court finds it appropriate to allow the application. Hence, the following order :

ORDER

In the event of arrest, the applicant namely Abhishek Balaram Keni, shall be released on bail, in CR No.154 of 2025, registered at Taloja Police Station, Navi Mumbai, on executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and report to the concerned Police Station as and when directed.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

12. The application stands disposed of accordingly.

[R.N. Laddha, J.]