

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

Anticipatory Bail Application No. 1973 of 2025

Sakshi Balu Waghchaure
Age 23 years, Occ. Service,
R/at. Ram Nagar Vasahat,
Near Himalaya Store,
Warje Pune City.

... Applicant

versus

The State of Maharashtra
(At the instance of IO in CR/290/2025
Sinhgad Road Police Station, Pune)

...Respondent

Mr Tejas Hilage, for the Applicant (through VC).
Mr Prashant Jadhav, APP, for Respondent / State.
PSI Sagar P Pawar, Sinhgad Road Police Station, Pune City.

Coram: R.N. Laddha, J.
Date: 18 July 2025

P.C.:

Heard Mr Tejas Hilage, the learned Counsel appearing on behalf of the applicant and Mr Prashant Jadhav, the learned Additional Public Prosecutor representing respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.290 of 2025, registered with Sinhgad Police Station, Pune, for offence punishable under Section 108

of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution alleges that on 30 April 2025, the informant's brother Kartik Shettiyar died by suicide at India Gate Lodge, Pune. He had met the applicant on his birthday on 13 October 2024, and they developed a friendship. It is alleged that the applicant repeatedly demanded money and valuables, accepted a huge amount of Rs.27 lakhs and threatened to leak Kartik's photos and videos when he refused.

4. The learned Counsel for the applicant asserts the applicant's innocence and submits that the applicant has been falsely implicated in the present case. The learned Counsel further argues that there has been an inordinate and unexplained delay in filing the FIR, which undermines the credibility of the prosecution's case. The deceased allegedly died by suicide on 30 April 2025, whereas the FIR was not registered until 12 June 2025, a delay of over 42 days. Furthermore, the learned Counsel contends that there is a complete absence of *mens rea* on the part of the applicant, which is an essential ingredient for establishing the offence of abetment. There is no material on record to suggest that the applicant's conduct was of such a grave instigative nature as to how compelled or provoked the deceased to take the extreme

step of ending his life. The learned Counsel also points out that the applicant has no criminal antecedents. He submits that the applicant is a woman aged about 23 years and is not a flight risk.

5. The learned Additional Public Prosecutor representing respondent No.1/ State, opposes the applicant's request for pre-arrest bail and contends that offence is of a serious nature. According to the learned APP, the applicant's conduct caused the deceased significant distress which led him to commit suicide. The learned APP raises concerns that the applicant may tamper with the evidence or influence witnesses if released on pre-arrest bail.

6. Section 108 of the BNS pertains to the abetment of suicide and establishes a clear threshold for holding an accused criminally liable. Under this provision, mere assumptions, suspicion, or conjectural links are not sufficient to attribute culpability. In the absence of explicit evidence showing that the accused encouraged or incited the victim to take his own life, liability cannot be imposed. For an act to qualify as abetment to suicide, there must be more than just circumstantial or emotional pressure. The law requires a direct, deliberate, and purposeful act of instigation or encouragement, something that

goes beyond passive behaviour or general discord. There must be a clear link between the accused's conduct and the victim's decision to end his life, demonstrating intentional provocation or persuasion rather than an indirect or inferred influence.

7. Upon perusing the records, it appears that, *prima facie*, there is no material available on record to suggest that the undertook any affirmative or overt act at the relevant time that could be directly linked as an immediate cause or instigating factor in the deceased's unfortunate decision to end his life. Furthermore, there is no material on record to suggest that the applicant engaged in any conduct of such an oppressive, coercive, or compelling nature that it would have left the deceased with no reasonable alternative but to resort to the extreme act of ending his life. Additionally, there is an inordinate and unexplained delay of more than 40 days in the lodging of the FIR. Moreover, during the lifetime of the deceased, no formal complaint, either verbal or written, was ever made to any authority implicating the applicant in any form of harassment, intimidation, or abetment. The allegations as contained in the FIR appear to be largely based on hearsay and conjecture, lacking direct attribution or corroborative support. There is also no material on record to show the proximate or direct nexus between the alleged acts attributed to

the applicant and the ultimate suicide committed by the deceased. In particular, no documentary evidence/material is available on record to indicate that any monetary transaction took place between the deceased and the applicant, which could have constituted a motive or causative factor. The investigation in the present matter appears to be at an advance stage, and nothing is to be recovered or discovered from the applicant. The apprehension of the prosecution that the applicant may tamper with the evidence or influence the witnesses can be addressed by imposing appropriate conditions.

8. In these circumstances, this Court deems it appropriate to allow the application. Accordingly, the application is allowed on the following terms :

(i) In the event of the applicant's arrest in connection with CR No.290 of 2025, registered at Sinhgad Road Police Station, Pune, she shall be released on bail upon furnishing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required by the investigating officer and

cooperate with the investigation.

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

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)