



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.508/2025

Abhishekh Vishnu Deshmukh

Vs.

The State of Maharashtra, through P.S.O., P.S. Shirpur, Washim and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.N. Ali, Advocate for applicant
Ms Sneha Dhote, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10.07.2025

Apprehending the arrest at the hands of police in connection with Crime No.309/2025 registered with Police Station Shirpur, District Washim, for the offence punishable under Sections 108, 74, 75(1)(i), 76, 333, 351(2), 351(3) of the Bhartiya Nyay Sanhita (BNS) Act, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached to this Court for grant of pre arrest bail.

2. Heard learned Counsel for applicant who submitted that the crime is registered on the basis of report lodged by the uncle of the deceased on an allegation that the deceased has disclosed to gain that present applicant is harassing her, following her and also sexually harassing her and, therefore, his niece has committed suicide by consuming the poison on 22.06.2025. On the basis of said report, police have registered the crime against the present applicant.

Learned Counsel for the applicant submitted that in fact there was a relationship between the victim and present applicant, the Whatsapp shows about the nature of the relationship between them. As deceased has committed suicide due to some reasons, the present applicant came to be implicated in the alleged offence. He submitted that even accepting the allegation as it is, the offence of abetment is not made out. As far as the custodial interrogation of the present applicant is concerned, which is not required. In support of his contention, he placed reliance on the decision of *Nishit Patel Vs. State of Maharashtra in Criminal Writ Petition No.3388/2024*.

3. Per contra, learned APP strongly opposed the said application and submitted that recitals of the FIR and the various documents sufficiently show that it was present applicant who has abetted her to commit suicide and, therefore, she has committed suicide. The custodial interrogation of the present applicant is required. In view of that the prayer for grant of ad-interim protection deserves to be rejected.

4. After hearing both the sides and on perusal of the recitals of the FIR, it reveals that the FIR is lodged by the uncle of the deceased on an allegation that due to the harassment as well as the sexual harassment at the hands of the present applicant, the deceased has committed suicide. It is now well settled that in the case of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to

commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of the occurrence on the part of accused which led or compelled the person to commit suicide, conviction in terms of Section 306 of IPC is not sustainable.

5. The Division Bench of this Court at principal seat has considered this aspect in detail by referring various decisions and observed that there has to be a proximity between the two acts of the nexus between the two acts that is the abetment and the suicide. At this stage, considering the WhatsApp chats between the present applicant and deceased, there is substance in the submission of the learned Counsel for the applicant that there was a relationship between both of them. Whether there was any other reason of commission suicide is a matter of investigation. At this stage, the immediate custodial interrogation of the present applicant is not required. In view of that the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

(i) In the event of the arrest in connection with Crime No.309/2025 registered with Police Station Shirpur, District Washim, for the offence punishable under Sections 108, 74, 75(1)(i), 76, 333, 351(2), 351(3) of the Bhartiya Nyay Sanhita (BNS) Act, 2023 and Section 8 of the Protection of Children from

Sexual Offences Act, 2012, the applicant shall be released on ad-interim anticipatory bail on executing P.R. Bond of Rs.25,000/-, with one solvent surety of like amount.

(ii) The applicant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iii) The applicant shall not induce threat or promise any witnesses who are acquainted with the facts of the present case.

(iv) The applicant shall not enter into the vicinity of village Waghluud, Taluka Malegaon, District Washim, till culmination of the trial.

(v) The applicant shall also produce his mobile phone before the investigating officer and this period shall be considered as his custody for the purpose of Section 23(2) of the Bhartiya Nyaya Sanhita, 2023.

6. Stand over after two weeks.

JUDGE

R.S. Sahare