



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

CRIMINAL APPLICATION (ABA) NO. 508 OF 2025

(Abhishekh Vishnu Deshmukh

Vs.

State of Maharashtra, Thr. PSO. PS Shirpur, Washim & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.N. Ali, Advocate for the Applicant.
Ms. Mrunal Barabde, APP for the Non-applicant No.1/State.
Mr. S.D. Chande, Advocate to assist the Prosecution.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 29th JULY, 2025

1. 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 that the 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.

3. Learned Counsel for the Applicant submitted that in fact there was a relationship between the victim and present Applicant, the Whats App chat shows that what type of relationship was 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*.

4. *Per contra*, learned APP strongly opposed the said application and invited my attention towards the statement of uncle of the deceased who disclosed that on 18.06.2025 he has seen the present Applicant near the house of the deceased and after seeing him he fled away from the spot of incident. In his statement, he further discloses that when he entered in the house, the deceased was in the frightened condition by seeing him. She also invited my attention towards the statement of other witnesses and submitted that due to the harassment at the hands of the present Applicant the deceased has committed suicide.

5. Learned Counsel for the Complainant also endorsed the same contention and invited my attention

towards the statement of Tanaji Kaduji Pawar as well as Bhagwat Ambhore and submitted that prior to the incident the present Applicant contacted the deceased and harassed her due to which she was forced to commit suicide. In view of that, the Application deserves to be rejected.

6. After hearing both the sides and on perusal of the recitals of the FIR as well as the investigation papers, 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.

7. The Division Bench of this Court at Principal Seat has considered this aspect in detail in the judgment in *Nishit Patel* (supra) and observed that there has to be a proximity between the two acts of the nexus between the two acts and that is the abetment and the suicide. At this stage, considering the Whats App chats between the present Applicant and deceased, there is substance in the submission of the learned Counsel for the Applicant. As far as the statement of the witnesses which are referred are considered, which shows that on 18.06.2025 they have seen the present Applicant near

the house of the deceased. Except that there is no other statement to show that there was any harassment which was in the nature to commit the suicide. As far as the custodial interrogation of the present Applicant is concerned, which is not required. In view of that the ad interim protection granted to the present Applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- i. The Application is **allowed**.
- ii. The *ad interim* protection granted to the Applicant by order dated 10.07.2025, is hereby confirmed on the condition that, he shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- iii. The Applicant shall not enter into the vicinity of village Waghluud, Taluka Malegaon, District Washim, till culmination of the trial. The single instance of the tampering of the witnesses would lead to the cancellation of bail.
- iv. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- v. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
- 8. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)