

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4814 OF 2025

Umesh Navshya Andher	...Applicant
<i>Versus</i>	
The State of Maharashtra and Anr.	...Respondents

Ms. Rekha Musale a/w Nasim Khan, for the Applicant.
Mr. A.S. Gawai, APP for the Respondent - State.
Ms. Komal Sinha, for the Respondent No.2.
PSI – Ulhas Lakhani Pawar, Talasari Police Station, District Palghar,
present.

CORAM: R. M. JOSHI, J.

DATED: 8th APRIL, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No.131 of 2021 registered with Talasari Police Station, for the offence punishable under Sections 305 and 354 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. First Informant is the father of the victim/deceased aged about 14 years. According to the report, on 16th June, 2021, the daughter of the Informant was found to have committed suicide. At earlier point of time complaint was made against unknown person. It is further revealed subsequently from the cousin of the Informant that an incident had occurred on 16th June, 2021 at about 09:30 a.m. in which the Applicant entered the house

of the said cousin and caught hold of the hand of the victim. On the basis of said incident, the prosecution alleged the act of abetment of suicide against the Applicant.

3. Learned counsel for the Applicant submits that even accepting the case of the prosecution to be correct, it cannot be said that there was any intention of the Applicant to drive the deceased to commit suicide. It is her further submission that in any case the act of holding hand of the victim cannot be construed as abetment to the commission of suicide by her. It is submitted that there is absence of evidence indicating any intention of the Applicant to drive the deceased to commit suicide.

4. Learned APP and learned counsel for the Respondent No.2 opposed the application by pointing out that incident has occurred in a rural place and therefore the Applicant ought to have knowledge of the consequences of his act. Apart from this it is their submission that the trial is in progress and fourth witness is to cross examine.

5. This is the first bail application filed by the Applicant before this Court. Since the trial is in progress, this Court refrains from recording any finding. However, suffice it to say that there is substance in the submission of learned counsel for the Applicant, that the act of abetment to suicide may not get attracted against him. In view of the fact that the Applicant is in jail for the past five years, this is a fit case for grant of bail. Hence, following order is passed.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.131 of 2021 registered with the Talasari Police Station the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
- iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)