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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4141 OF 2026

Abhijit Dilip Garad .. Applicant

Versus

The State of Maharashtra .. Respondent

.....

- Mr. Nitin Gaware Patil a/w Mr. Prithviraj Mundwadkar, Advocates for Applicant
- Ms. Shilpa Talhar, APP for State
- Mr. Parshram Chaudhari, Chandanpur Police Station

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 3, 2026

P. C.:

1. Heard Mr. Gaware Patil, learned Advocate for Applicant and Ms. Talhar, learned APP for State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with FIR bearing Crime No. 403/2026 registered with Chandannagar Police Station, Pune City for the offences punishable under Sections 108, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Applicant is 37 years old working as a lecturer in D. Y. Patil Engineering College, Pune. He is arraigned as accused No. 1 in the present crime. The other four co-accused persons are his father, brother, sister-in-law and mother. All other four co-accused persons are

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protected by anticipatory bail orders of this Court. The victim is his wife. She was 40 years old. She committed suicide. FIR is lodged by her brother who is a serving as Assistant Sub-Inspector of Police.

4. Briefly stated, Applicant and victim's marriage was solemnized on 13.07.2025. Applicant already had one earlier marriage which resulted in a divorce. The facts of the prosecution case shows that after their marriage, Applicant and victim stayed together in the joint family along with Applicant's brother and parents. In the FIR it is alleged that victim's mother-in-law and sister-in-law did not allow her to touch certain household articles and taunted her which are only specific acts of harassment which are otherwise attributable to the other co-accused persons. Insofar as Applicant is concerned, the allegations in the FIR and the witness statements are to the effect that Applicant did not give enough time to the victim and avoided taking her to the relatives as well as outside and whenever the victim tried to come close to the Applicant he resisted her advances and pushed her away.

5. Date of the incident is 13.9.2026 whereas Applicant was arrested on 17.09.2026. It is seen that one month prior to the date of the incident the Applicant and victim both had shifted to a separate flat situated at Chandannagar. The record also shows that on 12.9.2026 the victim had requested her brother that is first informant to buy her certain utensils for her house. Thereafter the record clearly

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shows that on 13.09.2026 at about 2 p.m. there was a quarrel between the Applicant and victim which led to the victim allegedly expressing her intention to commit suicide if the Applicant did not listen to her, and the Applicant having retaliated by stating that she can do whatever she wants. After this quarrel Applicant left the house and went to visit his brother's house at Hadapsar. The victim thereafter made a phone call to her maternal uncle complaining about her in-laws' harassment and thereafter committed suicide by hanging. Victim was discovered by the Applicant when he returned back home. Case of the prosecution against the Applicant is that he subjected the victim to cruelty and abetted the suicide.

6. I have heard the learned Advocate for the Applicant and the learned APP who has vehemently opposed the Bail Application. I have Perused the record of the case.

7. *Prima facie,* it is seen that the statements recorded by the prosecution show certain specific instances of harassment attributed to the mother-in-law and sister-in-law of the victim. However, it is seen that one month prior to the incident the victim had separated from them and was living separately with the Applicant. This is a very strong and important circumstance. Insofar as the incident is concerned, prior thereto there was a quarrel between the parties. Rather it was a domestic quarrel. Words spoken in anger in a domestic

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quarrel, namely "do whatever you want", followed by the Applicant leaving his house after the quarrel *prima facie* do not amount to instigation or any intentional *mens rea* or conspiracy to push the victim to commit the incident in question. It is seen that abetment to suicide requires a direct act at the behest of the accused which would intentionally instigate the victim to commit suicide and most importantly such an act should be in proximity to the said incident and should be a positive act which comes directly from the demeanor and behavior of the accused person and cannot just be a reaction to a quarrel or words spoken in anger. Reading of the FIR appended at page No. 33 onwards do not disclose any such instigation or positive / overt act attributed to the Applicant so as to drive the victim to take the inevitable step.

8. Insofar as the aspect of cruelty alleged against Applicant is concerned, it is seen that a spouse not giving time and not taking the spouse out are *prima facie* allegations of marital discord and considering the nature of work of the Applicant who is a lecturer it is *prima facie* understandable that he may not have the time to do so. What is crucial is that there is no force, violence or abuse in the relationship between the parties, nor is there any demand of money or articles having been demanded by the Applicant in a time-bound manner. In the 14 months of cohabitation with the Applicant, the

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victim has not raised any complaint. The Applicant is a well-qualified person having studied M.E. (Civil) and holding a Ph.D. and working as lecturer in a renowned college. He has no antecedents and has deep roots in Society.

9. There is no recovery whatsoever otherwise pending from the Applicant. The father of the Applicant is a retired teacher and they reside at Karad in Ahilyanagar district. *Prima facie*, the material placed on record also shows that the victim was short-tempered and used to get upset when the Applicant did not spend much time with her and in view of the College of the Applicant undergoing NAAC accreditation, the Applicant was not in a position to spend much time with her.

10. The allegations made against the other four co-accused persons also cannot be deemed to be in the nature of cruelty or harassment as they lack material specifics and proofs. Though the learned APP has persisted me to consider otherwise and see the statements of the witnesses that are recorded by the prosecution, I have perused the same. In my view, the custodial interrogation of the Applicant is therefore not necessary and he deserves to be enlarged on bail. Needless to state that the Applicant will cooperate with the prosecution in so far as investigation is concerned.

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11. Once the material placed on record *prima facie* shows that there was no unlawful demand, the case of the Applicant, therefore, deserves to be considered in the above-mentioned facts and circumstances. The Applicant is therefore enlarged on bail on the following terms and conditions:-

(i) Applicant is directed to be immediately released on bail from prison in connection with FIR bearing Crime No. 403/2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra

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without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact No. and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

12. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

13. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR
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