

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

CRIMINAL BAIL APPLICATION NO. 600 OF 2026

Kishor Balaso Mane	... Applicant
Versus.	
The State of Maharashtra & Anr.	... Respondents

Mr. Amit Icham with Mr. Tejas Modak for the Applicant.

Dr. A. A. Takalkar, APP for the State.

P. D. Kharat, Head Constable, Phaltan Gramin Police Station
is present.

CORAM : ASHWIN D. BHOBE, J.

DATED : SEPTEMBER 8, 2026

P.C.:

1. Heard Mr. Amit Icham, learned Advocate for the Applicant and Dr. A. A. Takalkar, learned APP for the state.
2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks Regular bail in connection with Crime No. 765 of 2025, dated 23rd November 2025, registered with the Phaltan Rural Police Station, District Satara, for offences punishable under Sections 108, 85, 115(2), 351(2) and 352, read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. Mr. Amit Icham, learned Advocate for the Applicant, states that there are six (6) accused in Crime No. 765 of 2025, with the Applicant

as Accused No. 1. He further states that the investigation in Crime No. 765 of 2025 is complete and that the charge-sheet has been filed before the Court of the Judicial Magistrate First Class, Phaltan, under R.C.G. No. 201 of 2026, and is pending committal.

4. The prosecution case is that the Applicant (Accused No. 1) was married to Varsha Kishor Mane (deceased). The deceased was treated with cruelty for non-fulfilment of economic demands made by the Applicant and his family members. On 14th November 2025, the Applicant and his family members insisted that the deceased obtain Rs. 5,00,000/- from her father to enable the Applicant to purchase a tractor. The non-fulfilment of this demand resulted in harassment, which led the deceased to commit suicide.

5. The Applicant was arrested on 23rd November 2025. The Additional Sessions Judge, Phaltan, rejected the Applicant's Bail Application No. 231 of 2025 by order dated 2nd March 2026.

6. Mr. Amit Icham, learned Advocate for the Applicant, submits that the allegations against the Applicant are vague. He submits that the allegations against the Applicant and the other five members of his family are similar. He submits that Accused Nos. 2 to 6 have been released on bail/pre-arrest bail by the Additional Sessions Judge, Phaltan. He further submits that the allegations do not make out any

case of abetment or cruelty.

7. Dr. A. A. Takalkar, learned APP for the State, submits that the FIR indicates that the deceased was treated with cruelty for non-fulfilment of the dowry demand.

8. Perused the record with the assistance of the learned Advocates.

9. Perusal of the FIR indicates that the Applicant was married to the deceased in 2018. They have a minor daughter born out of wedlock. A dispute appears to have arisen between the Applicant and the deceased in 2024, as referred to in the FIR. From 2024 till the date mentioned in the FIR, i.e., 14th November 2025, there does not appear to be any serious issue between the Applicant and the deceased. The allegation dated 14th November 2025 is that the Applicant demanded Rs. 5,00,000/- from the father of the deceased for the purchase of a tractor.

10. The Hon'ble Supreme Court, in the case of ***Laxmi Das Vs. State of West Bengal and Ors.***¹, in Paragraph Nos. 7 to 12, in the context of Section 306 of the Indian Penal Code (Section 108 of the Bharatiya Nyaya Sanhita, 2023), has observed as follows:

“7. Section 306 IPC is reproduced below for ready reference:

“306. Abetment of suicide. - If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description

¹ 2025 OnLine SC 120

for a term which may extend to ten years, and shall also be liable to fine.”

We must read Section 306 IPC with Section 107 IPC which defines ‘Abetment’; and it reads as below:

“107. Abetment of a thing. - A person abets the doing of a thing, who—

First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”

8. *When Section 306 IPC is read with Section 107 IPC, it is clear that there must be (i) direct or indirect instigation; (ii) in close proximity to the commission of suicide; along with (iii) clear mens rea to abet the commission of suicide.*

9. *The Appellant has placed strong reliance upon the judgment in Rohini Sudarshan Gangurde v. State of Maharashtra, wherein this Court has interpreted Sections 306 and 107 IPC together and observed:*

“8. Reading these sections together would indicate that there must be either an instigation, or an engagement or intentional aid to ‘doing of a thing’. When we apply these three criteria to Section 306, it means that the accused must have encouraged the person to commit suicide or engaged in conspiracy with others to

encourage the person to commit suicide or acted (or failed to act) intentionally to aid the person to commit suicide.

...

13. After carefully considering the facts and evidence recorded by the courts below and the legal position established through statutory and judicial pronouncements, we are of the view that there is no proximate link between the marital dispute in the marriage of deceased with appellant and the commission of suicide. The prosecution has failed to collect any evidence to substantiate the allegations against the appellant. The appellant has not played any active role or any positive or direct act to instigate or aid the deceased in committing suicide. Neither the statement of the complainant nor that of the colleagues of the deceased as recorded by the Investigating Officer during investigation suggest any kind of instigation by the appellant to abet the commission of suicide. There is no allegation against the appellant of suggesting the deceased to commit suicide at any time prior to the commission of suicide by her husband."

10. *In Prakash v. State of Maharashtra, this Court has further interpreted the offence as below:*

"13. Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied.

14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well-established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide."

11. *At this juncture, it is pertinent to refer to cases that define the act of 'instigation'. Accordingly, in Ramesh Kumar v. State of Chhattisgarh, this Court*

observed:

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do “an act”. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

12. *Reliance is to be placed upon Pawan Kumar v. State of H.P, wherein the Supreme Court held:*

“43. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life.”

11. Prima facie, the allegations in the FIR do not suggest that the

demand made on 14th November 2025 drove the deceased to take such a drastic step. There is no suicide note. At any rate, these issues will have to be considered at trial. The other accused in Crime No. 765 of 2025, against whom similar allegations have been made, have been released either on bail or on pre-arrest bail by the Sessions Court. The Applicant has been in jail since 23rd November 2025. Although the investigation is complete, the proceedings are pending committal before the Judicial Magistrate First Class, Phaltan.

12. In view of the above, the trial is unlikely to conclude in the near future. Continued custody of the Applicant pending the trial of the case is not required.

13. In view of the above, Bail Application No. 600 of 2026 is allowed on the following terms:

(a) The Applicant-Kishor Balaso Mane in Crime No. 765 of 2025, dated 23rd November 2025, registered with Phaltan Gramin Police Station, District Satara, shall be released on bail upon furnishing a PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two sureties in the like amount, to the satisfaction of the Trial Court.

(b) The Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence in any manner.

(c) The Applicant shall provide the Investigating Officer at Phaltan Rural Police Station, District Satara, with his residential address and proof thereof, his contact number and must inform the Investigating Officer, of any changes to this information from time to time.

(d) The applicant shall appear before the Investigating Officer, Phaltan Rural Police Station, District Satara on every fourth Monday of each month commencing from 21st September 2026 till the framing of charge in Crime No. 765 of 2025.

(e) The Applicant shall regularly appear before the Trial Court upon the case being committed to the Trial Court.

14. The observations made in the present order are prima facie and are meant to decide the Bail Application and will not have any impact or effect on the trial.

15. Bail Application No.600 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)