

Order Below Exh.6 in Sessions Case No.44/2025  
(CNR No.MHOS010010842025)

The State of Maharashtra  
V/s.  
Firoz Babu Shaikh

1. Accused no.1-applicant Firoz Babu Shaikh has filed this second bail application in present Special Case No.44/2025, arising out of the crime registered in 337/2024 against him with Rural Police Station, Dharashiv U/Secs. 108, 351(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short BNS) read with sections 66(E), 67 of the Information Technology Act, 2000 (for short I.T.Act). Accused was arrested on 06.03.2025 and remanded in MCR on 10.03.2025.

2. Case of prosecution that, under section 194 of the BNSS, on unnatural death vide G.D.No.018 dated 19.11.2024 was registered. The unnatural death was suicidal death by hanging of 33 years female namely Snehal Suraj Mohite in the night hours of 19.11.2024. The information of the suicidal death was given to the police, on the same day by Prathamesh Soudagar Mohite, brother in law of the deceased. It was under inquiry by the police. The memorandum of the Post-Mortem examination of the dead body of deceased Snehal was conducted and the Medical Officer opined as to cause of death, "death due to asphyxia, due to hanging." It is dated 19.11.2024. The husband of the deceased Suraj Soudagar Mohite who is employed at Uganda came to his native place at Yedshi, after receipt of the information of suicidal death of his wife.

3. The informant Suraj, husband of deceased lodged report with the Osmanabad Rural Police Station on 16.12.2024 on allegations of harassment and abetment to commit suicide of

his wife for the reason of illicit relations of his wife with Firoz Babu Shaikh i.e. present applicant. It is allegation of the husband of the deceased that the accused no.1 Firoz has snapped the obscene photographs and videos of the deceased. On its basis, deceased was blackmailed by accused Firoz and he compelled the deceased to have sexual relations with him repeatedly against her wish. It is further alleged that accused no.1 has forwarded obscene videos and photographs of deceased to accused no.2 to Arun Ramrao More.

4. Wife of accused no.2 is sister-in-law of the deceased was residing along with her daughters, in her parental home with deceased and other family members, her parents, brother and wife of brother, due to her matrimonial dispute with her husband i.e. accused no.2 Arun Ramrao More. It is alleged that accused no.2 Arun made viral obscene photographs and videos of the victim about her illicit relations with accused no.1 Firoz to her relatives. These illegal acts and sexual exploitation, physical and mental harassment, alleged in the report lodged against the accused persons, that they abetted the commission of suicide by the deceased Snehal giving rise to registration of crime no.337/2024 with Rural Police Station Dharashiv under sections 108, 351(1), 3(5) of BNS read with section 66(E) and 67 of the I.T Act.

5. The accused no.1-applicant preferred this bail application along with all other earlier grounds of bail application which have been dealt in Bail Application No.87/2025 rejected on 02.04.2025. On careful perusal of the bail application, I do not find any additional grounds than that of the earlier agitated before this Court. The grounds added are on the base of material facts of the investigation which are shown in the chargesheet in regard to the supplementary

chargesheet recorded of the near relatives of the deceased. It is claimed that those statements are collusive and the Investigating Officer Mr.M.N.Shelke was trapped by ACB Police Officials for demand of bribe in one suicide case.

6. In this regard the doubt is raised on the recording of the supplementary statement of the witnesses stating it to be unreasonably recorded to fill gap to protect the real culprits of the crime. The faulty investigation of the crime is the main ground of the bail application. That the husband of the deceased Suraj a informant in this crime tortured his wife victim of this crime. There are call details of the deceased and informant before the incident till 04.00 a.m. It has been argued by the learned Advocate Mr.V.P. Sakhare for the accused in favour of the applicant stating that informant himself has tortured the deceased in presence of her father. It gave rise to instigation at the instance of informant for commission of suicide of his wife deceased Snehal.

7. That the supplementary statement recorded to create sympathy for the informant. Relying on the statement recorded of the father of the victim dated 27.11.2024, Ld. Advocate argued that this statement itself sufficient to show that victim was tortured by her husband for the reason of her illicit relations with other person. The statement of Santosh Repal recorded on 05.12.2024 also relied on to point out that it was the informant Suraj who again and again tortured his wife and insisted her father to lodge report against present applicant-accused no.1.

8. The Ld. Advocate for the applicant-accused no.1 also relied on statement of Suraj Mohite dated 04.12.2024 wherein, it is revealed that informant has confronted deceased wife about her illicit relation with accused no.1, in front of her

father. On its basis, the Ld. Advocate for applicant-accused argued that it caused the deceased to take a drastic step to end her life. That, it was not the act alleged against the present applicant.

9. The different statement and the facts stated by the informant are highlighted to show the falsity of the allegations against accused. It is also raised that though as per case of informant the alleged illicit relationship of the informant with present applicant-accused no.1 was known to the family members of the deceased on 15.11.2024. Why the report was not lodged immediately and first information was given on 19.11.2024 about the un-natural death and there were no allegations since 15.11.2024 to 19.11.2024 against any person including the accused.

10. Inquest panchanama is highlighted specifically column no.11 and 13 on this point, Ld. Advocate argued that why the Medical Officer has not stated to preserve the finger prints of the deceased Snehal.

11. It is case of the applicant that he was called in respect of A.D.No.62/2024. Applicant has attended the Police Station and co-operated the investigation. The applicant was tortured and beaten by the Police Officers. His statement was recorded on 13.12.2024 and if it is gone through then, it transpires that it was the accused no.2 Arun More who started blackmailing the applicant and pressurizing and threatened him. Therefore, Section 108 of the BNS do not attract against the accused. The applicant has not having any intention to instigate the deceased to commit the suicide.

12. The Police Authority has robed name of the applicant in this crime to protect the family of the informant. The conduct of the Investigating Officer is doubtful as the

applicant has submitted one application dated 04.12.2024 which is filed in chargesheet at page no.70 which clearly disclose that deceased Snehal was subjected to physical and mental torture by her husband and relatives. But, the Investigating Officer has not taken care to take cognizance of the report, complaint of the accused. On this background of the facts of the chargesheet and the statements of the crime narrated in favour of the accused-applicant are the grounds of bail application.

13. I would like to mention here that all these grounds already considered in detail arguments of the earlier bail application of the accused by the Ld.Advocate Mr.V.P.Sakhare.

14. Considering the above stated facts, if the complaint lodged by the accused dated 04.12.2024 and the submissions in this regard are taken into consideration. The question arose and Court query to that effect is that why and how other accused no.2 Arun came to know about the illicit relationship of the deceased and the present applicant-accused no.1 and how the other accused no.2 Arun got possession of obscene photographs and videos of the sexual relations of the deceased with present accused no.1, who had captured these obscene photographs and videos of the deceased and who was the person forwarded it to the other accused no.2 Arun.

15. The one more question raises as to why accused has not filed police complaint at proper time against the other accused no.2 Arun and what was the reason of present applicant-accused no.1 to keep silence and share the obscene photographs and videos of the deceased with accused Arun. What was the relation between accused Arun and present applicant-accused. Even if it is considered that victim is major and she had consensual sexual relations with applicant-accused no.1. But, it is not the case that at any point of time, deceased

allowed anybody to click her obscene photographs and videos and further more to make it viral to any other person or specifically to accused no.2 Arun.

16. In its addition, the accused relied on the statement of father of deceased dated 05.12.2024 if perused about the incident dated 19.11.2024, it clearly disclose that deceased had specifically stated in conference call to her husband and father that accused no.1 Firoz established sexual relations with her by way of blackmailing her, compelled her to continue the same against her wish and it is the Firoz, who had forwarded messages, videos and photographs and the accused Arun who defame the family of informant, forwarded it to others including her husband.

17. This aspect of the chargesheet on record, if taken into consideration then, I am of the opinion that there is no force in the argument of Ld. Advocate for accused for the above mentioned point that applicant-accused no.1 Firoz is entitled to be released on bail, as he has no nexus with the crime and that no role is played on his part either to instigate or abet the commission of suicide of the deceased. On the other hand what chargesheet speaks prima facie is that accused is the main culprit of the crime.

18. The learned Advocate has filed on record the citations;

1) ***Bijoy Thomas Vs. The State of Kerala, Bail Application No.9326/2024 of Hon'ble Kerala At Ernakulam High Court*** observed that "*the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial*".

2) ***Prakash and Others Vs. The State of Maharashtra and another, 2024 GoJuris (SC) 12093 of Hon'ble Supreme Court has observed that, "The deceased would frequently say that she would commit suicide as her life no longer held any meaning. Thereafter, on 20th March 2015, lthe deceased committed suicide by hanging herself from an iron pipe with the aid of a saree."***

*"Section 306 of the IPC has two basic ingredients First, an act of suicide by one person and second, 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 direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined Section 107 of the IPC has to be satisfied."*

*"45.... It is also to be borne in mind that in cases of alleged abetment of suicide, there must proof of direct or indirect acts of incitement to the commission of suicide. Merely on allegation of harassment without there being any positive action proximate to the time occurrence on the part of the accused which led or compelled the person to commit suicide conviction in terms of Section 306 IPC is not sustainable."*

3) ***Vinod Shivkumar Vs. State of Maharashtra, Criminal Application (BA) No.644 of 2021 of Hon'ble High Court of Judicature At Bombay, Nagpur Bench*** wherein it is observed that, *"the prosecution is relying do make out a prima facie case of abetment, if taken at face value, considering that the applicant is suspended and would not be in a position to influence the witnesses, that the applicant is not at flight risk and that bail cannot be denied as a pre-trial punishment, I am inclined to hold that a case is made out for grant of bail."*

19. In my humble view the observations in these citations are not helpful to the applicant-accused no.1 as this Court is of the view that he is main culprit of the crime. If present applicant-accused no.1 had not clicked the obscene photographs and videos and on its basis had not blackmailed the victim for repeated sexual relations with him and if not forwarded the obscene photographs and videos, then there would not have been a situation arise which would have led the deceased to commit suicide.

20. The main culprit of the crime is the present applicant-accused no.1. The Ld. Advocate for the accused could not satisfy the Court queries in entire chargesheet prima facie there is no any single circumstance which suggest that applicant-accused no.1 is falsely implicated in the present crime.

21. Deceased, a mother of the two minor daughters committed suicide, it is a very unfortunate and grave circumstances of life. The motherhood in general prevails over and above all the odd situations of the life and even if, the suicide as occurred in this present case on the part of mother, then one has to think about that mother has to face such circumstances which she could not tolerate, even at the cost of her motherhood. Prima facie evidence brought on record in the form of chargesheet, in my view is sufficient to reject the bail application of the applicant-accused no.1. The reason mentioned in the earlier bail application for rejection of prayer of accused-applicant no.1 to release him on bail, still exists, even after, filing of chargesheet and as there is no change of circumstances.

22. There is ample evidence which can be proved as a proof of direct acts of enticement of commission of suicide at the instance of deceased on the part of accused. The main act of

the accused at the first of collecting the obscene photographs and videos and the second to share it with other accused no.2 Arun More and major part is to use that obscene photographs and videos for blackmailing the deceased and to compel her to repeatedly have sexual intercourse with accused no.1 are the direct evidence, prima facie found as per the cahrgesheet against the accused and prosecution must have an opportunity during course of trial to prove the same and prior to that, if accused released on bail, it will be injustice on the part of deceased accused may misuse his liberty. Applicant-accused no.1 is not entitled for grant of relief even after filing of chargesheet. Hence, the order.

### ORDER

Application stands rejected.

(Smt.T. G. Mitkari)  
Additional Sessions Judge,  
Osmanabad

Date :- 30.07.2025

### CERTIFICATE

I affirm that, the contents of this P.D.F., file judgment/order are same, word to word, as per the original judgment.

Name of Stenographer : Golhe P.V.

Court : District Court-1 & Additional  
Sessions Court, Osmanabad

Date : 30.07.2025

Order signed by the : 06.08.2025  
Presiding Officer on

Order uploaded on : 06.08.2025