

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3 OF 2017
WITH APPLN/4/2017

ASHOK S/O MASKATI BHOSLE
VERSUS
THE STATE OF MAHARASHTR AND OTHERS

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Advocate for Applicant : Mr. P.B. Kadam h/f Mr. Salunke Sudarshan J
APP for Respondent-State: Mr. A.D. Namde
Advocates for Respondents-accused : Mr. M.P. Kale with Mr. S.S.
Ambhore

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CORAM : V. K. JADHAV, J.
DATED : 4th SEPTEMBER, 2017

PER COURT:-

1. These are the applications seeking cancellation of pre-arrest bail granted by the learned Additional Sessions Judge, Gangakhed vide order dated 15.12.2016, passed in Criminal M.A. No. 183 of 2016 and Criminal M.A. No. 179 of 2016, respectively.

2. Learned counsel for the applicant submits that deceased Rahul was belonging to Pardhi community and he had committed suicide on account of beating extended to him by the respondents-original accused. Learned Additional Sessions Judge, has not considered the bar as provided under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned counsel appearing for respondents-original accused submit that the learned Additional Sessions Judge has rightly granted pre-arrest bail to the respondents-original accused.

4. I have also heard learned A.P.P. for the respondent State.

5. On perusal of order passed by the learned Additional Sessions Judge and also F.I.R., it appears that on the day of incident i.e. on 21.11.2016 a quarrel had taken place between deceased Rahul and respondents-original accused on the ground that deceased Rahul was making phone call on mobile to one girl and on that count the respondents-original accused extended beating to deceased Rahul. This is the sole incident as alleged in the complaint. It has been further alleged in the complaint that due to said incident, deceased Rahul had committed suicide. There are no allegations in the complaint that deceased Rahul was abused by the respondents original accused on the basis of his caste. It has also not been alleged in the complaint that deceased Rahul was subjected to beating by the respondents-original accused merely for the reason that he was belonging to scheduled caste. The learned Additional Sessions Judge has also considered the statement of witness Chakuli. The said witness Chakuli has never stated about the presence of the respondents-original accused at the time of

commission of suicide by deceased Rahul. Learned Additional Sessions Judge, in the given set of allegations, has rightly drawn inference that, prima facie, there is no material available that the respondents-original accused have instigated and aided deceased Rahul to commit suicide. In view of above, I do not find any substance in these applications. The applications are therefore, rejected.

(V. K. JADHAV, J.)

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