

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

CRIMINAL APPEAL NO.783 OF 2021

Baidabai @ Laxmi Arjun @ Balu
Shinde and Anr.

...Appellants

Vs

The State of Maharashtra & Anr.

... Respondents

...

Mr. Prashant S. Hagare for the Appellants.
Smt. M.R.Tidke, APP for the Respondent-State.
Smt. Rekha Musale for Respondent No.2.

CORAM : SANDEEP K. SHINDE J.

DATE : DECEMBER 07, 2021.

P.C. :

By this appeal, the appellants are seeking pre-arrest bail in connection with the Crime No.0649 of 2021 registered at Yavat Police Station for the offences punishable under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code, 1860; Section 7(1)(d) of the Protection of Civil Rights Act and Section 3(1)(r)(s), 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('Act of 1989' for short).

2 This Court has granted interim pre-arrest protection to the appellants vide order dated 4th October, 2021.

3 It appears, intimacy of, daughter of the appellant no.1 with deceased, Rohit (son of complainant) was root cause of the incident. Thus, deceased, being affectionate to daughter of the appellant no.1 was disliked by the family of the appellants. Complainant, would allege that on 14th June, 2021, husband of the appellant no.1 and the appellant no.1, both abused the complainant over his caste and threatened of dire consequences, if their son, Rohit continued his association with their daughter. On the same day, Rohit committed suicide by hanging. In the accidental death enquiry, statements of Sachin Gadade and Dattu Gadade were recorded. I have perused the statement of Sachin Gadade recorded, in the accidental death enquiry. He did not say that, the appellants abused the complainant and his family members over their caste. It may be noted that though the alleged incident had taken place on 14th June, 2021, complaint was filed on 28th July, 2021. After registering the crime, statement of Sachin Gadade was recorded,

when he would, say that family members of the appellants abused the complainant and his family members over their caste. Therefore, prima-facie, statement of Sachin Gadade, who claimed that he was eye-witness to the incident, cannot be relied on. Additionally, it appears, to be a case of over implication, in the sense that, the complaint does not attribute any role to the appellant no.2 (son of applicant no.1).

4 It may also be stated that husband of the appellant no.1 was arrested and later released on bail.

5 In consideration of the facts of the case, it cannot be said that the insults or intimidations, were made on account of the victim belonging to the Scheduled Caste or Scheduled Tribe. In fact, reason for lodging the complaint was, family of the appellants was not in favour of the their daughter's intimacy with the son of the complainant, who belonged to lower caste.

6 Thus, in consideration of the facts of the case, in my

view, case is made out for granting pre-arrest bail to the appellants.

Hence, the following order:

ORDER

(i) In the event of arrest of the appellants in Crime No. 0649 of 2021 registered with Yavat Police Station, Dist: Pune, they shall be released on executing PR bond for the sum of Rs.20,000/- with one or more sureties in like sum.

(ii) Appellants shall join the investigation as and when called.

7 The appeal is accordingly allowed and disposed of.

8 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of anticipatory bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)