

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 648 OF 2019

Satish Indarsing Rajput,
Aged 44 years, Occ.:- Agriculturist,
R/o. Krida Sankul Road, Buldana,
Tq. and District – Buldana.

....APPELLANT

// VERSUS //

1. State of Maharashtra
Through Police Station Officer,
Police Station Buldana (City),
District – Buldana.

2. Jyoti Vishnu Jadhav,
Aged 35 years,
R/o. Vir Lahuji Nagar,
Ward No.12, Buldana City,
District – Buldana.

.... RESPONDENTS

Shri S. R. Agrawal, Advocate h/f Shri S.V. Sirpurkar, Advocate for
the appellant.

Shri T. A. Mirza, A.PP for the respondent No.1/State.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 06.01.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.

2. ADMIT.

3. This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act of 1989”) challenging the order dated 20.09.2019 passed by the learned Special Judge, Buldana rejecting pre-arrest bail of the appellant under Section 438 of the Code of Criminal Procedure in relation to Crime No.487 of 2019 registered with the Police Station, Buldhana City for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Act of 1989.

4. The First Information Report came to be registered against the appellant with the accusations that the deceased committed suicide due to harassment caused by the appellant. It is alleged in the First Information Report that the informant who is the wife of the deceased got information about harassment of the appellant when she got the memory card from the mobile of the deceased. It is alleged that in the memory card, there is recording in relation to harassment caused by the appellant.

5. The appellant, therefore, moved the learned Special Judge, Buldhana with Criminal Bail Application No.338 of 2019, which was rejected by the learned Special Judge, Buldhana on the ground that there is active participation of the accused in the

offence alleged against the appellant. The appellant, therefore, filed the present appeal challenging the order dated 20.09.2019.

6. This Court on 27.09.2019 issued notice to the respondents and granted interim protection to the appellant subject to the conditions as stated in the said order.

7. The respondent No.2 inspite of service of notice on 14.10.2019, failed to remain present either personally or through his Advocate before this Court.

8. We have gone through the contents of the First Information Report and the copy of the impugned order, prima facie, we find that there is no proximate instigation by the appellant to the deceased to commit suicide. There are no proximate events disclosed in the First Information Report or from the material available with the prosecution. Whether the appellant intentionally abated suicide of deceased or not is matter of trial before the Sessions Judge at the time of hearing of the matter.

9. The appellant in paragraph No. 1 has stated that the appellant has clean antecedents. The prosecution has not pointed out that the appellant has misused the liberty granted to him by the order dated 27.09.2019. It is also not pointed out that the custodial interrogation of the appellant is necessary.

10. In view of the above reasons, we pass the following order.

i. The order dated 20.09.2019 passed by the learned Special Judge, Buldhana in Criminal Bail Application No. 338 of 2019 is hereby quashed and set aside.

ii. The order granting interim protection to the appellant dated 27.09.2019 is confirmed subject to the same conditions stated in the said order.

The appeal is allowed in the above terms.

JUDGE

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