

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

CRIMINAL APPEAL NO. 486 OF 2022

Kartik Virbhadrappa Challa And Ors. ...Appellants
Versus
The State Of Maharashtra And Anr. ...Respondents

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Mr. Karan Jain h/f Mr. Shailesh Kharat, Advocate for the Appellants.

Mr. S. R. Agarkar, APP for the Respondent – State.

Ms. Varsha Ghogre, (PSI) Bharti Vidyapeeth Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th SEPTEMBER, 2022.

PER COURT:

1. The respondent No.2 is served. None appears for Respondent No.2.

2. The appellants are apprehending arrest in C.R. No.113 of 2022, registered with Bharati Vidyapeeth Police Station, Pune for the offences punishable under Sections 306, 323, 504, 506, 498-A read with 34 of the Indian Penal Code, 1860 ('the Penal Code'), Sections 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is alleged that, complainant's daughter was married to accused No.1 on 28.05.2010. It was inter-caste marriage. The husband's family had not approved the marriage. The relatives of husband harassed her. She was abused and assaulted. She was abused on the ground that

she belongs to lower caste. On 24.02.2020, the victim committed suicide. The appellants are brother-in-law, co-sister and sister-in-law of the deceased. They had preferred an application for pre-arrest bail. Initially, the learned Special Judge, Pune by an order dated 03.03.2022 was persuaded to grant ad-interim relief. However, by order dated 28.04.2022, the learned Special Judge rejected the application for pre-arrest bail.

3. The first information report is lodged by the father of the deceased. The marriage of the deceased was solemnized with the brother of the applicant No.1 on 28.05.2010. The allegations in the FIR appear to have their genesis in the marital discord between the deceased and her husband as well as in-laws. The allegations against the appellants, who are the relatives of the husband of the deceased are general and omnibus in nature.

4. Learned APP submits that, role is attributed to appellants. Offences are made out against appellant. Charge under Section 3(2)(v)(va) & 6 of SC/ST (Prevention of Atrocities) Act and Section 7(1)(d) of Protection of Civil Rights Act were subsequently added.

5. Interim relief was granted by this Court on 09.05.2022. Considering the facts of this case bar under Section 18 of the Act would not be an impediment to grant relief.

ORDER

- i. Interim order dated 09.05.2022 passed by this Court is confirmed.
- ii. Order dated 28.01.2022 passed by Special Judge, Sessions Court, Pune rejecting application for anticipatory bail is set aside.
- iii. In the event of arrest of the appellants in C.R. No.113 of 2022 for the offences punishable under Sections 306, 323, 504, 506, 498-A r/w Section 34 of the Penal Code, Sections 3(1)(r), 3(2)(v), 3(2)(va) and 6 of the Schedules Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 7(1) (D) of Protection of Civil Rights Act, 1955, registered with Bharti Vidyapeeth Police Station, the appellants be released bail, on furnishing a PR. Bond in the sum of Rs.15,000/-, each with one or two sureties in the like amount.
- iv. The appellants shall co-operate with the investigation and report to the investigating officer as and when directed.
- v. The appellants shall not tamper with the prosecution evidence and or give threats or inducement to the prosecution witnesses.
- vi. Criminal Appeal is disposed off accordingly.

(PRAKASH D. NAIK, J.)