

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.194 OF 2022

Mangal Bhausahab Gaikwad	]	..	Appellant
vs.			
State of Maharashtra & Ors.	]	..	Respondents

Mr.Dhiraj B. Bansode, for the Appellant.

Ms.P.N. Dabholkar, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 16th March, 2023

P.C.

1] The present Appeal is filed being aggrieved by the order passed by the Additional Sessions Judge, Niphad on 17.01.2022, when the concerned Court directed release of the Respondents in the event of their arrest, subject to certain conditions being imposed.

2] The Appeal is filed on the ground that the Court has not taken into consideration relevant material which is indicated in the FIR being the suicide notes which were recovered from the pocket of the deceased. The FIR lodged by the daughter of the deceased state that her father was working in South Central Railway as key man and Accidental Death Registration No.62/2021 under Section 174 of the Cr.P.C. was registered on receiving information that he received dash from the train.

From his pocket, two chits were recovered which mention names of 16 persons and it was stated that they had harassed him physically, mentally and financially. It is also scribbled in the note that, there is

possibility that they may cause harm to him, and if anything happens, the Railway Administration shall take responsibility of his family.

3] Pursuant to the said FIR being lodged for the offence u/s 306 read with 34 of the IPC alongwith Section 3(2)(v) came to be invoked. In order to attract Section 3(2)(v) it will be first necessary to ascertain whether the ingredients of abetment to commit suicide u/s 306 are attracted.

There is no material apparently collected on record which indicate that there was any instigation/incitement on the part of the accused persons to commit the offence and that too with an intention and knowledge that the deceased belonged to scheduled caste or scheduled tribe.

Based on this reasoning, the Additional Sessions Judge has clearly recorded that it is necessary to see whether the accused are responsible for commission of suicide by the deceased and whether the harassment/ill-treatment was of such an extent that there was no option left for the deceased but to commit suicide. Considering that no prima-facie case is made out and custodial interrogation of the Accused is not necessary, the Court has directed to release the accused persons on bail in the event of their arrest, by raising bar under Section 18 of the Atrocities Act.

4] On perusal of the said order, I find no legal infirmity in the same and hence the Appeal filed seeking cancellation of the said order, deserve to be dismissed and is accordingly dismissed.

[BHARATI DANGRE, J]