

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

CRIMINAL APPEAL NO. 792 OF 2023

Karan Jayram Lahane

...Appellant

Versus

1. The State of Maharashtra

2. Pramila Kailash More

...Respondents

Mr. Nilesh Pandey a/w Ms. Reshma Bhopi and Mr. Rahul Bhosale for the Appellant

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State

Ms. Pranita Hingmire, Appointed Advocate for the Respondent No. 2

PSI Mr. V. A. Kamdi and HC Mr. K. R. Khadtale from Kulgaon Police, Station, Badlapur, Dist. Thane, are present in Court

CORAM : REVATI MOHITE DERE &

GAURI GODSE, JJ.

TUESDAY, 8th AUGUST 2023

P.C :

1 Heard learned counsel for the appellant.

2 By this appeal, preferred under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, the appellant-Karan seeks his enlargement on bail in connection with C.R. No.I-85/2022, registered with the Kulgaon Police Station, Badlapur, Taluka Ambernath, District Thane, for the alleged offences punishable under Section 306 r/w 34 of the Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3 Perused the papers. According to the prosecution, the incident took place on 13th June 2022, when Megha committed suicide on a railway track. Pursuant to the suicide, Megha's mother- Pramila More lodged an FIR as against the appellant, his brothers- Prashant, Ravindra. Sister-Leena and one Vasant alleging the aforesaid offences. As far as co-accused Prashant and Leena are concerned, they have been granted pre-arrest bail and Ravindra and Vasant have been granted interim protection by this Court. It is not in dispute that after

investigation, charge-sheet has been filed in the said case on 12th August 2022 and that the appellant is in custody since his arrest i.e. since 16th June 2022, for almost more than a year. The principal allegations as against the appellant is that he refused to marry the complainant's daughter, despite being in a relationship for about 4 to 5 years with the complainant's daughter as she belonged to the SC ST caste.

4 Learned counsel for the appellant submitted that taking the prosecution case as it stands, no offence as alleged under Section 306 is disclosed inasmuch as, there is no instigation, intentional aiding or abetment as required to constitute an offence under Section 306 of the Indian Penal Code.

5 It appears that only subsequently when the supplementary statement of the complainant was recorded on 21st June 2022, that the allegations under the provisions of the SC ST Act were made as against the accused. Considering the nature of allegations made

against the appellant and the fact that the appellant is in custody for more than a year, we pass the following order :

ORDER

- (i) The appeal is allowed;
- (ii) The order dated 13th September 2022 passed by the learned Additional Sessions Judge, Kalyan below Exhibit-1 in Regular Bail No. 1500/2022 is hereby quashed and set-aside;
- (iii) The appellant be released on cash bail in the sum of Rs. 25,000/-, for a period of six weeks;
- (iv) The appellant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (v) The appellant shall not tamper with the evidence or

attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vii) The appellant shall cooperate in the conduct of the trial and attend the trial Court on all dates, unless exempted.

6 The appeal is disposed of in the above terms.

7 All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.