

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

CRIMINAL APPEAL NO. 364 OF 2023

1. Ravindra Jayram Lahane	
2. Vasant Jayram Lahane	...Appellants
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 By this appeal, preferred under section 14A of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities)

Act, 1989, the Appellants seek pre-arrest bail in connection with C.R. No.I-85 of 2022, registered with Kulgaon Police Station, Badlapur, District Thane for the alleged offences punishable under section 306 read with 34 of the Indian Penal Code, 1860 and Section 3(2)(v) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

2 Perused the papers. According to the prosecution, deceased-Megha wanted to marry Karan and since Karan refused to marry her, she committed suicide. Vide order dated 30th March 2023, we had granted interim protection to the appellants, for the reasons set-out in the said order. It appears from the FIR that the allegations are essentially as against co-accused-Karan who is granted regular bail by us today, by a separate order passed in Criminal Appeal No. 792/2023. It also appears that the incident took place on 13th June 2022, whereas, the FIR was registered on 14th June 2022 alleging the offence only under Section 306 r/w 34 of the Indian Penal Code. 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.

3 Having perused the FIR, it *prima facie* appears that Megha and Karan were having an affair and that Megha wanted to marry Karan, however, due to some reasons, the same could not took place. It appears that pursuant thereto, Megha's mother also visited the appellants' house, where she was allegedly threatened by the appellants, based on the caste of the informant and that only subsequently, in the supplementary statement allegations under the SC ST Act, have been made.

4 *Prima facie*, we are doubtful whether offence under the SC ST Act are made out. Considering the aforesaid, we pass the following order :

ORDER

- (i) The appeal is allowed;
- (ii) The order dated 15th March 2024 passed by the learned Additional Sessions Judge, Kalyan below Exhibit-1 in Anticipatory Bail Application No. 1228/2022 is hereby quashed and set-aside;
- (iii) The interim protection granted by this Court vide order dated 30th March 2023 is hereby confirmed;
- (iv) In the event of arrest, the appellants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (v) The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The appellants shall cooperate with the investigation.

5 The appeal is disposed of in the above terms.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.