

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO.830 OF 2021**

Prabhakar Ganpat Patil .. Appellant  
**Versus**  
The State of Maharashtra & Anr. .. Respondents

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Mr.Anil Dubey i/b Ms.Veera M. Dubey for the Appellant.  
Mr.S.R.Agarkar, A.P.P. for the State.  
Mr.Nitesh Mohite for the Respondent No.2.

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**CORAM: BHARATI DANGRE, J.**  
**DATED : 24<sup>th</sup> MARCH, 2023**

**P.C:-**

1. By order dated 06/10/2021, the Appellant was admitted to protection from arrest, when the subject C.R. invoked Section 420 of the Indian Penal Code and Section 3(1)(zc) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short, "The Act of 1989").

Taking prima facie view of the matter, it was specifically recorded that the FIR do not suggest that there was any threat or there was any economic boycott on the deceased or his family and merely use of word 'boycott' was held not to be attracting Section 3 (zc) of the Act of 1989.

The Appellant was released on interim bail and notice was issued to Respondent No.2.

2. Heard the learned counsel for the Appellant, learned counsel for Respondent No.2 and learned A.P.P.

The learned counsel for Respondent No.2 informed that subsequently Section 306 of IPC and Section 3(2)(va) of the Act of 1989 have been inserted in the subject C.R.

When the complaint lodged by the cousin brother of the deceased, who has committed suicide on 15/09/2021 is perused, he has reported that the deceased committed suicide near Ghodeshwar Temple, near Murbad and from the spot, several articles and belongings were recovered, which include an empty pesticide bottle and suicide note. The complainant reported that his cousin brother belonged to the scheduled caste and the present Appellant and co-accused Sanjay Shirke, who belong to higher strata of society, did not repay the amount of Rs.10,00,000/- and thereby defrauded him and this act was alleged to have amounted to imposition of economic boycott upon him.

A suicide note, which was recovered, contain a name of the Appellant and, therefore, he is arraigned as an accused.

Except inclusion of his name in the suicide note, there is no other material to demonstrate the ingredients of Section 306 of IPC, which necessarily contemplate an instigation/incitement to commit suicide and, therefore, coupled with the reasons which are already recorded by this Court in it's order dated 06/10/2021, since *prima facie*, no

offence is made out under Section 306 of IPC and since it is informed that on completion of investigation, the charge-sheet is already filed, the order dated 06/10/2021 deserve a confirmation and it is accordingly confirmed.

3. The order dated 24/09/2021 passed by the learned Special Court, Kalyan in Cri.Bail Application No.1651 of 2021 is quashed and set aside.

4. At this stage, I would like to record appreciation for the learned counsel Mr.Nitesh Mohite, who has effectively represented the cause of the complainant/Respondent No.2. The Legal Services Authority shall pay his remuneration in accordance with law, within four weeks from today.

**( SMT. BHARATI DANGRE, J.)**