



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**907 CRIMINAL APPEAL NO. 338 OF 2024**

Sangmeshwar Rajkumar Patil

..APPELLANT

-VERSUS-

1. The State of Maharashtra
2. X.Y.Z.

..RESPONDENTS

Advocate for Appellant : Mr. Sachin Subhash Panale

APP for Respondent/State: Mr.P.K. Lakhotiya

Advocate for Respondent No.2 : Mr.Gaikwad Ranjit Dayanand

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 28<sup>th</sup> June, 2024.

**P.C.:**

1. This appeal is preferred against the order dated 06.03.2024 passed by the Additional Sessions Judge, Udgir in Criminal Misc. Application (Bail) No.40/2024 filed in pursuance of F.I.R. No.265 of 2022 registered with Udgir-City Police Station, Dist. Latur, for the offences punishable under sections 306, 323, 366, 376(2)(n), 504, 34 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that the informant is mother of the deceased. The deceased was divorcee, hence she was staying with her mother. It is alleged that deceased had acquaintance with the appellant and, friendship was developed between them. It is alleged

that the appellant started harassing the deceased for keeping physical relations with him. The victim prior to six months had disclosed the said fact to the informant. So informant warned the appellant not to harass the victim but his behaviour was not changed. It is alleged that on 6<sup>th</sup> September, 2022, the appellant had beaten the victim and he used abusive words about the caste of the victim. It is alleged that due to harassment of the appellant, victim committed suicide by hanging herself in her house on 27<sup>th</sup> September, 2022. Initially, the police registered the offence against the appellant under sections 306, 323, 504 read with 34 of the IPC and under the Atrocities Act. Thereafter, the supplementary statement of the mother of the victim was recorded on 6<sup>th</sup> October, 2022 and on the basis of the supplementary statement, offence under section 376 of the IPC is added against the appellant. Thereafter, the appellant tried to get anticipatory bail and he was absconding but his anticipatory bail application was rejected. Thereafter, the police arrested the appellant on 24<sup>th</sup> January, 2024. Since then, the appellant is behind bar. Charge-sheet has been filed against the appellant and other co-accused. Other co-accused have been released on bail.

3. It is contention of the learned counsel for the appellant that the appellant is behind bar more than six months. Investigation has been completed. Charge-sheet has been filed against the appellant. No custodial interrogation of the appellant is required. The learned

counsel further submitted that the allegations under the offence of rape is made after 8 days of the incident. The deceased had not left any suicide note to show the involvement of the appellant. The learned counsel further submitted that the appellant has been falsely implicated in this case. Hence he requested to allow the appeal.

4. It is contention of the learned APP and the learned counsel for respondent no.2 that the appellant was harassing mentally and physically to the victim. He used to beat her. In the statement and supplementary statement of first informant and witnesses, they have stated about the harassment caused by the appellant to the victim. The learned APP further submitted that the appellant had forcibly sexually assaulted the victim. The appellant is influential person. If he is released on bail, he will harass the first informant and witnesses. Hence they requested to dismiss the appeal. The learned counsel for respondent no.2 relied upon the judgment in the case of ***Keshav Prakash Gupta Vs. State NCT of Delhi IN Bail Application No.665/2023, dated 21.11.2023.***

5. I have heard all the learned counsel. Perused the impugned order passed by the trial Court. In the F.I.R. the allegations against the appellant are of instigation to commit suicide to the victim, after 8 days of the F.I.R. In the supplementary statement, the allegations against the appellant are made of sexual assault on the victim. In respect of the allegations under the Atrocities Act, sole incident is mentioned.

Sole incident is mentioned that too in month of September, 2022, at that time no complaint was filed. The co-accused have been released on bail. The appellant is behind bar more than six months. His further detention is not required. I have gone through the case law cited by the learned counsel for respondent no.2. The facts of the cited case and the case in hand are different as in the present case, initially the F.I.R. is lodged under sections 306, 323, 504 read with 34 of the IPC and Atrocities Act and after 8 days of the FIR by supplementary statement, the offence under section 376 are levelled against the appellant. Considering all these aspects, I pass the following order :-

**ORDER**

- (i) The appeal is allowed.
- (ii) The order dated 06.03.2024 passed by the Additional Sessions Judge, Udgir in Criminal Misc. Application (Bail) No.40/2024 is quashed and set aside.
- (iii) The appellant in connection with F.I.R. No.265 of 2022 registered with Udgir-City Police Station, Dist. Latur, for the offences punishable under sections 306, 323, 366, 376(2)(n), 504, 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the appellant shall not enter in Udgir City till recording the statement of the first informant, except the dates for attending the trial.

**[ SHIVKUMAR DIGE, J. ]**

*sga*