



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

927 CRIMINAL APPEAL NO. 346 OF 2024

ASHOK S/O BAYAJI DHALWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellant : Mr. Ingole Dhanraj S.
APP for Respondent/State : Ms.P.V. Diggikar
Advocate for Respondent no.3 : Ms.Sonawane Sunita G.

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 2nd August, 2024.

P.C.:

1. This appeal is preferred against the order dated 28th March, 2024 passed by Additional Sessions Judge, Shrigonda, Dist.Ahmednagar in Criminal Bail Application No.179 of 2024 filed in connection with FIR No.0293 of 2024 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under sections 306, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the prosecution's case that deceased Sunny Sudage was working as driver on tractor of the appellant. He had love affair with the daughter of appellant. The appellant was against said love affair. It is alleged that the appellant would threaten and harass Sunny and he would abuse Sunny on his caste. It is alleged that the appellant threatened Sunny to kill him. Due to love affair with the daughter of the

appellant, there was quarrel between the appellant and Sunny. It is alleged that due to mental torture by the appellant, Sunny committed suicide.

3. It is contention of the learned counsel for the appellant that prior to two months of the incident, Sunny had left the job of the appellant. When he was with the appellant, he never filed any complaint against the appellant. After two months, he committed suicide so it can not be said that it was due to mental torture of the appellant. The appellant has been falsely implicated in this case. Custodial interrogation of the appellant is not required and requested to allow the appeal.

4. It is contention of the learned APP along with learned counsel for respondent no.2 that Sunny was driver on the tractor of the appellant. He had love affair with the appellant's daughter. The appellant used to harass Sunny on the ground of love affair with his daughter. He used to abuse him on his caste. Due to constant harassment by the appellant Sunny committed suicide. Considering the allegations against the appellant, his custodial interrogation is required and requested to dismiss the appeal.

5. I have heard both the learned counsel. Perused the impugned order passed by the Special Court.

6. It appears from the contents of the F.I.R. that Sunny had left the job of the appellant and thereafter after two months Sunny has committed suicide. When Sunny was working with the appellant, he

had not filed any complaint against him. The provisions of the Atrocities Act would not be applicable as it is on the hear-say of the informant that the deceased had told him earlier about the said act but immediately no complaint was filed in that regard. Considering these facts, the custodial interrogation of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 28th March, 2024 passed by Additional Sessions Judge, Shrigonda, Dist. Ahmednagar in Criminal Bail Application No.179 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with FIR No.0293 of 2024 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under sections 306, 504, 506 of the Indian Penal Code and sections 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant 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 attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]