



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 491 OF 2023

ASHWINI @ RANI W/O SHARAD KALE AND ANOTHER
.... Appellant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER
..... Respondent

...

Mr. Sandeep Y. Mahajan, Advocate for Appellants

Mr. N.B. Patil, APP for Respondent No.1

Mr. R.M. Gaikwad, Advocate for Respondent No.2 (appointed)

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th JANUARY, 2024

PER COURT :

1. Appellants apprehend arrest in Crime No.0437/2023, registered with Kotwali Police Station, Ahmednagar, for offences punishable under Sections 306, 323, 504, 506 r/w 34 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.

2. FIR in question is lodged by mother of the deceased belonging to Scheduled Caste category, alleging that her son aged 16 years was having love relations with minor girl aged 14 years, daughter of appellant No.1. Amol Kadam and appellant No.2 had threatened her son Sahil 15 days back that he should not communicate with daughter of appellant No.1. They had abused

and threatened him. All accused persons named in the FIR were threatening her son Sahil. On 03/05/2023, in the night at about 11:00, Sahil came to the house, pushed door of the house, drove out informant and her daughter and bolted the door from inside. He was banging utensils. He did not open the door in spite of repeated requests by informant. After some time, when the door was opened with the help of relatives, informant found that Sahil hanged himself with the help of Dupatta. Informant, therefore, alleged that appellants and other accused persons had instigated her son to commit suicide.

3. Heard learned advocate for appellants, learned advocate appointed to represent respondent No.2 and learned Assistant Public Prosecutor for State. Perused the investigation papers.

4. *Prima facie*, ingredients of Section 107 of I.P.C. are not made out against appellants, therefore, Section 306 is not attracted in the present case. Also, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are not attracted. In that view of the matter, appellants are entitled for protection.

5. In the result, appeal is allowed in terms of interim protection granted vide order dated 23rd June, 2023, on same terms

and conditions.

6. High Court Legal Services Sub Committee, Aurangabad, to pay fees of learned advocate appointed to represent respondent No.2, as per rule, within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)