



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 639 OF 2024

UTTARESHWAR BAPU KHANDARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. S. Thombre, Advocate for the appellant
Mrs. M. L. Sangit, APP for the respondent/State
Ms. Namita Sirdeshpande, Advocate for respondent no.2 (appointed)

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. By filing of this appeal the appellant is seeking pre arrest bail in connection with Crime No. 126/2024, registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 306, 324 of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The first information report lodged by the father of the deceased girl indicates that on 12/06/2023 deceased left the house without intimation and she on phone disclosed to the parents that she wants to marry present appellant. When the brother of the deceased get to know their whereabouts, he went to the said spot and a quarrel occurred between them. The girl was brought to the home. On the next day she committed suicide. In the first information report it is alleged that since the appellant has refused to marry her, she committed suicide

and thus, he has abetted the act of said act commission of suicide.

3. Learned counsel for the appellant submits that from the contends of the FIR itself it is clear that the appellant and the deceased girl were in love relations. As per the information given by the girl to her parents on phone shows that she was to marry him. In such circumstances, it is not acceptable that he has refused to marry her and therefore she committed suicide.

4. Learned APP and learned counsel for the informant opposed the appeal by contending that the statement of Nitin indicates that the appellant had refused to marry deceased and which is a reason for a commission of suicide. According to the learned counsel for the informant, the appellant is absconding and as such he does not deserve anticipatory bail. Learned counsel for the informant submits that in view of Section 18 of the Atrocities Act there is prohibition for grant of anticipatory bail.

5. Admittedly appellant has no criminal history behind him. First information report itself indicates that appellant and deceased had decided to marry and deceased in fact eloped with him. In such circumstances, it does not stand to any reason as to why the appellant would refuse to marry her. Pertinently when the brother of the deceased went to the spot where appellant and deceased were present, a quarrel occurred and that Nitin had also assaulted both of them. It is thus clear

that the brother and parents of deceased were against the said marriage. This could be a reason for commission of her suicide. As such, *prima facie* there is no evidence to indicate abetment on the part of the appellant to the act of commission of suicide by the deceased. In so far as the submission with regard to the embargo created by Section 18 of the Act, *prima facie* no offence is made out under the Atrocities Act as such the said embargo does not apply to the present case. Nothing is to be recovered from appellant nor he is likely to be fled from justice. Hence, appeal stands allowed.

ORDER

- (i) The appellant in connection with Crime No. 126/2024, registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 306, 324 of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount.
- (ii) He shall not contact the witnesses directly or indirectly.
- (iii) He shall not interfere with the evidence in any manner whatsoever.
- (iv) Fees of the appointed counsel is quantified Rs. 6000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.
- (vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp