



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1041 OF 2023

Rita Tukaram Gore ..Appellant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. Govind B. Solanke, for the appellant.
Ms. S. D. Shinde, APP for the State.
Mr. Ghansham Jadhav, for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 2024

ORAL JUDGMENT :

1. Heard learned counsel for the appellant, learned APP and learned counsel for the respondent no.2.
2. This is an appeal for quashing and setting aside the impugned order dated 05/09/2023 passed by the trial Court rejecting the anticipatory bail application filed by the appellant in connection with C.R.No. 680 of 2023 registered with Shikrapur police station for the offences punishable under sections 306, 504, 506 of the Indian Penal Code, 1860 and under sections 3(1)(s), 3(2)(va), 3(2)(5) of the Scheduled Caste and Scheduled Tribe (Protection of Atrocities) Act and under section 7(1)(d) of the Protection of

Civil Rights Act. The FIR is lodged on 21/07/2023.

3. For ease of reference, the relevant portion of the interim order dated 21/09/2023 passed by this Court is reproduced which reads thus:

“1.The appellant seek protection from arrest in connection with C.R.No. 680/2023 which was registered on 4/7/2023 and on 27/7/2023, the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) 1989, are added upon the supplementary statement of the complainant being recorded.

2. Heard learned counsel for the appellant who has invited my attention to the statement of the complainant recorded on 21/7/2023 where a specific allegation is levelled in respect of an incident dated 5/7/2023 against the accused Rishikesh, by alleging that when she accompanied her daughter to his house, in order to resolve the discord as regards the solemnization of marriage, as her daughter had informed that he is avoiding to perform marriage with her, it is alleged that they were abused and Rishikesh blankly refused to get married to her marriage and even they were threatened.

However, three days after the said statement and to be specific on 24/7/2023, there is a supplementary statement where the complainant supplement her original version by stating that even the appellant i.e. mother of Rishikesh was also present on the spot and both of them hurled abuses, by referring to their caste. That is how the appellant is arraigned as accused in the subject C.R.

3. Prima facie, the supplementary statement appear to be an after-thought as it is difficult for fathom as to why at the first instance if the mother of Rishikesh was present, there was no mention of her, as immediately on the next date, the daughter of the complainant committed suicide being feeling despondent and dejected.

In the wake of the aforesaid, appellant deserve ad-interim protection, while the notice is issued to respondent no.2.”

4. Learned APP and respondent no.2 opposed the appeal. It is submitted that because of insensitivity shown by the present appellant who is the accused no.2 - mother of the accused no.1, complainant's daughter was forced to take the extreme step of committing suicide on 06/07/2023. Accused no.1 was in a relationship with the deceased. From the allegations, it is seen that the accused no.1 refused to marry the deceased because of her caste. It is alleged that the deceased and the respondent no.2 were insulted and abused in the name of the caste which were hurled at them when they had visited the accused no.1 at his parental home. There is no reference to the presence of the appellant in the FIR neither there are any allegations of abusing in the name of caste. These allegations are made in the supplementary statement. However, the whats-app chats which are produced on record between the deceased and the accused no.1 made on the cellphone of the complainant indicates that the family members of the accused objected to the marriage because of the caste to which the deceased belonged. The accusations are mainly against the accused no.1. The allegations against the

present appellant are prima facie vague.

5. Learned APP submitted that the charge-sheet has now been filed and the investigation is complete.

6. In the facts and circumstances of the present case, I am inclined to confirm the interim order. It is however made clear that the observations made hereinabove are limited to deciding this application for bail and shall not influence the trial. Hence, the following order.

ORDER

(i) In the event of arrest, the appellant shall be released on bail on furnishing P.R. bond to the extent of Rs.15,000/- with one or two sureties of the like amount.

(ii) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The appellant shall not tamper with evidence.

(iii) The appellant shall not enter the area of Sanaswadi, Pune till the trial concludes.

(iv) The appellant shall not influence or threaten the witnesses.

7. The appeal is disposed of.

(M. S. KARNIK, J.)