

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

CRIMINAL APPEAL NO. 362 OF 2024

Girish Shrinivas Katkar

....Appellant

V/s.

The State of Maharashtra & Anr.

....Respondents

WITH

CRIMINAL APPEAL NO. 376 OF 2024

Ajay Anil Kininge

....Appellant

V/s.

The State of Maharashtra & Anr.

....Respondents

Mr.Dhananjayrao D. Rananaware, *for the Appellant in Appeal No.362/2024*

Ms.Tanvi Tapkire, *for the Appellant in Appeal No. 376/2024.*

Mr. Ashok R. Metkari, *APP for Respondent No.1-State.*

Ms. Megha Gowalani, *Advocate appointed for Respondent No.2.*

PSI, Mr. Sanjay N. Aswale from Vishram Baug Police Station, Sangli present.

CORAM : Sandeep V. Marne, J.

DATED : 26 June 2024.

P.C. :

1) These appeals are filed under the provisions of Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (S.C.S.T. Act) challenging orders dated 22 March 2024 passed by the Additional Sessions Judge, Sangli rejecting application filed by the

Appellants seeking pre-arrest bail in connection with Crime No.68 of 2024 for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code and Section 3(2)(v) of the S.C.S.T. Act.

2) I have heard Mr. Rananaware and Ms. Tapkire for the Appellants, Ms. Gowalani, who has been appointed pursuant to the order passed by this Court, as well as, Mr. Metkari, the learned APP.

3) Perusal of the FIR would indicate that provisions of S.C.S.T. Act were not initially invoked and the FIR does not refer to commission of any specific offence under the S.C.S.T. Act. It appears that Section 3(2)(v) of the S.C.S.T. Act is subsequently added. So far as the offence under Section 306 of the Indian Penal Code is concerned, Appellant-Ajay Anil Kininge is merely described to be the friend of the main accused, Girish Shrinivas Katkar. There is an allegation that there was love affair between the deceased and Girish Shrinivas Katkar who knew each other since five years before the date of the incident. Perusal of the FIR does not indicate any specific acts immediately before commission of suicide by the deceased which are attributable to the Appellants. Infact it appears that Appellant-Girish Shrinivas Katkar accompanied the First Informant at the spot where the deceased was found.

4) This Court granted interim protection by order dated 10 April 2024 by recording following *prima-facie* findings :

3. According to the complainant who is the mother of the deceased, the appellant-Girish and the deceased were in a love relationship. They were staying together. The deceased was a college-going student. The appellant-Ajay is the friend of Girish. The deceased considered Ajay as her brother. It is alleged that

Girish was in the habit of partying with his friends at home. It is the allegation that Ajay was supporting Girish. On 19/02/2024, the deceased called up the complainant and informed her that Girish did not want her to reside in the house and she should leave the house. Thereafter, on 20/02/2024, it was noticed that the victim committed suicide.

4. *Prima-facie*, there are hardly any accusations against the appellants with regard to the offence under the Atrocities Act. It is submitted that having regard to the nature of the accusations, it cannot be said that the appellants abetted the commission of suicide. The investigation is in progress.

5) It is undisputed position that after grant of interim protection by order dated 10 April 2024, the Appellants have thrice remained present before the Investigating Officer and have co-operated with the investigations. It appears that the investigations are still incomplete and the chargesheet is yet to be filed. However, non-completion of investigations is not attributed by the learned APP, to any specific conduct of the Appellants. Though Mr. Metkari has highlighted the findings recorded by the learned Sessions Judge about the allegations of harassment being reflected in statements recorded by the Investigating Officer, the learned APP is unable to invite my attention to any such statement. In my view therefore this is a fit case where pre-arrest bail deserves to be granted in favour of the Appellant by making the interim protection granted by this Court absolute.

6) The Appeal accordingly succeeds. Orders dated 22 March 2024 passed by the Additional Sessions Judge, Sangli are set aside. Interim protection granted in favour of the Appellants by order dated 10 April 2024 is made absolute.

7) It is further directed that the Appellants shall co-operate in completion of investigations by attending the concerned Police Station, as and when summoned. The Appellants shall attend each date of hearing before the Trial Court unless exempted.

8) Appellants shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.

9) Appellants shall attend Trial Court regularly unless exempted from personal appearance.

10) Appellants shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

11) With the above directions, the Appeals are **allowed and disposed of.**

[Sandeep V. Marne, J.]

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2024.06.26
17:40:07
+0530

NEETA
SHAILESH
SAWANT