

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

CRIMINAL APPEAL NO. 619 OF 2024

Laxman Pandurang Tandale And Ors.

... **Appellants**

Versus

The State of Maharashtra And Anr.

... **Respondents**

Mr. Santosh Chhatrapati Bhosle for the Appellants.

Ms. Shilpa Gajare-Dhumal, APP for Respondent No.1-State.

Mr. Swaraj Jadhav for the Respondent No.2.

CORAM : SANDEEP V. MARNE, J.

DATE : 12 SEPTEMBER 2024.

P.C. :

1) This is an Appeal filed under provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (**SC & ST Act**) challenging the Order dated 3 May 2024 passed by the Additional Sessions Judge, Kalyan rejecting the application for Anticipatory Bail in connection with C.R. No. 19 of 2024 registered with Tokawade Police Station for offences punishable under Sections 363, 143, 509, 523, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s) 3(1)(w)(ii), of the SC & ST Act.

2) I have heard Mr. Bhosle, the learned counsel appearing for Appellants, Ms. Gajare-Dhumal the learned APP appearing for Respondent No.1-State and Mr. Jadhav, the learned Advocated appointed by the Court to represent Respondent No.2.

3) After having considered the submissions canvassed by the learned counsel appearing for parties, it appears that the alleged incident of kidnapping of Complainant's grandson-Tejas has occurred in the evening of 23 February 2024. Since the said grandson-Tejas is accused of being responsible for suicide of Aditya Shingole, it appears that on 24 February 2024, FIR was filed against the said Tejas Ganesh Gaikwad and other accused after suicide note was discovered holding said Tejas responsible for suicide of Aditya. *Prima facie*, it appears that the incident of kidnapping of Tejas has occurred essentially on account of he being named in the suicide note. The FIR is lodged by Tejas's grandmother and the FIR statement is based on the narration by Tejas to his grandmother. Though the FIR statement refers to repeated assaults on Tejas, Sections 363, 143, 509, 504 and 506 are applied in the FIR at the time of lodging of the FIR through it appears that Tejas was present in the police station. However why offences relating to assault are not applied in the FIR is beyond comprehension.

4) Perusal of the FIR statement would indicate though it is alleged that Tejas was abused with reference to his caste, *prima facie*, it does not appear that the alleged act of abduction and assault was aimed at humiliating his caste. The said act essentially appears to be a

reaction to suicide of Aditya, for which Tejas is named in the suicide note.

5) This Court has granted interim protection in favour of the Appellants by Order dated 1 July 2024. Mr. Bhosle would submit that in pursuance of direction given by this Court, Appellants have remained present before Investigating Officer and have co-operated with the investigations. It appears that Accused No. 1-Datta Gadge has been arrested and released on bail.

6) Considering the peculiar facts and circumstances of the present case, in my view custodial interrogation of the Appellants may not be warranted. Therefore, the Interim protection granted in favour of Appellants deserves to be made absolute.

7) I accordingly proceed to pass the following order:

a) Order dated 3 May 2024 passed by the Additional Session Judge, Kalyan is set aside.

b) In the event of arrest of the Appellant in C.R. No. 19 of 2024 registered with Tokawade Police Station for offences punishable under Sections 363, 143, 509, 523, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s) 3(1)(w)(ii), of the SC & ST Act, he shall be enlarged on bail on

furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

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

d) Appellant shall attend Trial Court regularly unless exempted from personal appearance.

e) Appellant 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.

f) The Appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Trial Court as well as to the concerned Police Station in writing.

[SANDEEP V. MARNE, J.]