

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3306 OF 2024

Sudhir Laxman Sakhare ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Shivprasad. H. Salunke for Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 10, 2024

P.C. :

. Heard Mr. Salunke, learned counsel for the applicant and Mr.Malshe, learned APP for the respondent-State.

2. In the present case, the applicant is apprehending arrest in connection with FIR No.0994 of 2024 dated 01.09.2024 registered with Hinjewadi Police Station, District - Pimpri Chinchwad, initially for offences under Sections 108 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS). Subsequently, upon completion of investigation, further offences under Sections 64(2)(m), 352 and 351(2) of the BNS, as also offences under Sections 4, 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC & ST Act) were added.

3. In the present case, there are five accused persons and the main accused person appears to be the son of the applicant, who is alleged to have been in relationship with the victim, a minor girl said to be belonging to the scheduled caste community. It appears that the relationship did not work out and the minor girl committed suicide by

hanging. She has left suicide note, which is also part of the charge-sheet. The main accused person i.e. the son of the applicant has been arrested. This Court is informed that the son-in-law of the applicant is also arrested.

4. Since offences under the POCSO Act are also registered, notice will have to be issued to the informant i.e. respondent No.2. But, in the meanwhile, the learned counsel for the applicant is pressing for interim relief.

5. This Court has perused the material on record, as also the suicide note, which forms the part of the charge-sheet. *Prima facie*, it appears that the thrust of the allegations made by the informant is against the son of the applicant, who was said to be in relationship with her. The Sessions Court, while rejecting the anticipatory bail application of the applicant, has observed that the applicant along with the other accused persons refused to solemnize the marriage of the son of the applicant with the victim, and that she and her parents were insulted in the name of their caste.

6. This Court is of the opinion that even if the said allegations are to be considered, *prima facie*, it appears a little far-fetched to reach the finding that such alleged acts on the part of the applicant instigated the victim to commit suicide or that such acts were undertaken by the applicant with the intention to drive the victim to commit suicide. *Prima facie*, a case is made out by the applicant in his favour and this Court is inclined to grant interim relief.

7. In view of the above, issue notice to the respondent No.2, returnable on 14.01.2025, High on Board.

8. Respondent No.2 shall be served through the investigating officer

and for that purpose, the applicant shall provide an additional set of papers to the investigating officer within a week from today.

9. In the meanwhile, there shall be interim relief in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0994 of 2024 dated 01.09.2024 registered with Hinjewadi Police Station, District - Pimpri Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- B. The applicant shall remain present before the investigating officer on 13.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

10. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.

(MANISH PITALE, J.)

Minal Parab