



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 162 OF 2025

Suraj Shashikant Shinde,
Age: 27 Years, Occu. Business and Education,
R/o Shingoli, Taluka and District Dharashiv

.. Appellant
(Original Accused)

Versus

1. The State of Maharashtra
Through the Police Inspector,
Anand Nagar Police Station,
Taluka and District Dharashiv

2. Shubhangi Santosh Shingare,
Age 35 years, Occu. Labour work,
R/o. Solapur Road, Barshi,
Taluka and District Solapur

.. Respondents
(Respondent No.2 /
Original Complainant)

Mr. Amol T. Jagtap, Advocate for Appellant;
Ms. M. N. Ghanekar, APP for Respondent No.1;
Mr. Aditya V. Waghmare, Advocate appointed for Respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 18-06-2025

PER COURT:-

1. Heard.

2. The present appellant has approached this Court challenging the judgment and order dated 20.02.2005 passed in Criminal Anticipatory Bail Application No.55 of 2025 by the learned Special Judge, Osmanabad, thereby the application of the present appellant/accused No.2 in the First Information Report (FIR) came to be rejected.

3. FIR bearing No.47 of 2025 is registered with Anand Nagar

Police Station, Taluka and District Dharashiv. The informant happens to be a sister of deceased Ganesh who allegedly committed suicide on 19.01.2025 and then FIR came to be lodged after 16 days.

4. It is allegation in the FIR that deceased Ganesh was working on one Dhaba belonging to accused No.1 and present appellant at Shingoli, Taluka Dharashiv. Present appellant is son of accused No.1 who is owner of Hotel (*Dhaba*), where the deceased was working. From the FIR it transpired that deceased Ganesh had taken advance from the hotel owner. Since the said advance had not been repaid, the accused persons assaulted the deceased. They also threatened of filing complaint and of other consequences. Because of this, the deceased committed suicide as per the allegations. The FIR was registered for the offences punishable under Sections 115(2), 353, 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989").

5. The appellant apprehending arrest approached the Sessions Court. His bail application came to be rejected. By way of this application, the appellant approached this Court seeking bail in the event of his arrest.

6. The learned counsel for the appellant has vehemently argued that there are no grounds to show abetment to commit

suicide and of the offences punishable under the Act of 1989. There is no utterance in the name of caste. The FIR is registered after 16 days. There is no plausible reason given for delay in FIR. Taking the case as it is, it is a case of assault or beating up the deceased on the ground of money. He submits that the learned Sessions Judge committed error in refusing to grant bail.

7. The learned A.P.P. has vehemently opposed the application. She submits that there are statements of mother, brother and father of the deceased, who have clearly stated about role of the present appellant. There are also statements of three witnesses who have seen the incident of assault on the deceased. Because of the assault and the threats given by the accused persons, the deceased committed suicide. The ingredients of abetment of suicide are, thus, attracted as because of the assault and harassment, the deceased was left with no option and he committed suicide. She prays for rejection of the appeal.

8. Learned counsel for respondent No.2 informs that after lodging of the FIR, one more NC was required to be filed on 07.05.2025. It is by mother of the deceased alleging that she was threatened by the present appellant and other accused persons to withdraw the complaint. He submits that if the accused is granted protection, he will interfere with the course of justice. He will try to threaten the witnesses and tamper with the evidence. He prayed for rejection of appeal.

9. Heard the parties.

10. From the FIR it is clearly seen that the first informant has not witnessed any of the incident. He has lodged FIR only on the basis of information received by her. The eyewitnesses whose statements are recorded only stated that there are abuses in the name of caste. However, there is no intention seen that the deceased was assaulted by the accused persons because of his caste. From the statement of one of the eyewitnesses, it is seen that even the deceased was asking for some more amount towards advance. The dispute thus appears to be of non repayment of advance. No intention, as such, can be attributed *prima facie* that the accused has intention to abet the commission of suicide and too in the name of caste.

11. As observed above, there is no direct allegation that the deceased was humiliated in the name of caste. Thus, this Court finds that no ingredients are made out attracting the offence under Atrocities Act.

12. Considering the above, this Court is inclined to allow the appeal.

13. This Court appreciates the efforts of learned counsel appointed for respondent No.2. He shall be entitled to receive the fees as per the rules.

14. The Criminal Appeal stands allowed.

15. The impugned order passed by the learned Sessions Judge, Osmanabad, in Criminal Anticipatory Bail Application No. 55 of 2025, dated 20.02.2025, is quashed and set aside.

16. The appellant shall be released on bail in the event of his arrest in connection with Crime No.47 of 2025, registered with Anand Nagar Police Station, Taluka and District Dharashiv, for the offences punishable under Sections 115(2), 353, 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. bond of Rs.25,000/-, with one solvent surety in the like amount,

- (a) he shall not contact any of the witnesses and the informant;
- (b) he shall not enter the village Shingoli, Taluka and District Dharashiv, till filing of the chargesheet;
- (c) he shall give his mobile numbers and residential address to the concerned Investigating Officer / Police Station.

17. The Criminal Appeal stands disposed of.

18. The Secretary, High Court Legal Services Sub Committee, Aurangabad, to pay the fees to the learned counsel appointed for respondent No.2, as per rules.

[KISHORE C. SANT]
JUDGE

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