



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL APPEAL NO. 168 OF 2025

PAVAN VITTHAL PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Salunke Sudarshan J.

APP for Respondents-State : Mr. S. M. Ganachari.

Advocate for Respondent No.3 : Mr. Subhash S. Nade.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 23.04.2025

PER COURT :-

1. Heard finally by consent of the parties.
2. Learned counsel Mr. Nade tenders on record affidavit-in-reply.
3. This appeal is directed against the rejection of pre-arrest protection to the appellant in furtherance of offence bearing Crime No.44 of 2025, registered with Sirsala Police Station, District Beed for the offences punishable under Sections 108, 115(2), 352 of Bhartiya Nyaya Sanhita and Sections 3(1)(r), 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. This Court had granted ad-interim protection vide order dated 13.03.2025. There is no complaint of breach of conditions imposed by this Court.

5. Respondent No.3/informant is the mother of the deceased who learnt from daughter-in-law that deceased Avinash was found hanging in agricultural field. The cause to commit suicide was harassment at the instance of present appellant who happened to be the contractor who had engaged deceased as a sugarcane cutter.

6. Learned counsel for the appellant submits that there is nothing on record to show that there was such a type of harassment so as to drive the deceased to commit suicide. It has come on record that the deceased was addicted to liquor. He had disputes with his wife. In fact appellant had intermediary their disputes. *Prima facie* there is no material to show any intention on the part of the appellant so that deceased should commit suicide.

7. Learned APP produced on record relevant papers of investigation and adverts my attention to the statements of Dinesh, Bayadabai and Pooja. It is submitted that appellant was persistently torturing the deceased.

8. Learned counsel for respondent No.3 submits that offence is serious in nature. He would advert my attention to Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The allegations levelled against the appellant *prima facie* establishes scheduled offences. Appellant is not entitled to further protection.

9. I have gone through the first information report as well as statements of the witnesses referred by learned APP. I reiterate my observations which were recorded in paragraph No.4 of order dated 13.03.2025. The statements of witnesses and other material which is shown by the respondent is not sufficient to draw inference that the alleged harassment or torture was of such a degree or magnitude so as to drive the deceased to commit suicide and there was no alternative left to him.

10. On previous occasion also, deceased was being abused on caste. First information report does not disclose material particulars about the casteist abuses. Timely complaint was not filed either by the deceased or any of his relatives when the appellant is alleged to have indulged into casteist abuses.

11. In all probabilities, if the appellant was a contractor then he might be expecting the deceased to discharge the work because in lieu of that the deceased was being paid. In that view of the matter, *prima facie* I do not find that case is made out under the provisions of Atrocities Act. Learned Special Judge did not deal with this aspect of the matter and observations in paragraph No.10 are vulnerable. I find that impugned order is liable to be quashed. I, therefore, pass following order :

ORDER

- (i) Criminal Appeal is allowed.
- (ii) Impugned order dated 04.03.2025 passed by the Special Judge is quashed and set aside.
- (iii) Ad-interim order dated 13.03.2025 stands confirmed.
- (iv) The conditions imposed in the said order shall be adhered to till filing of the charge sheet.

(SHAILESH P. BRAHME, J.)

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