



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL APPEAL NO. 282 OF 2025

Shital Eknath Kadam

....Appellant

Versus

1. The State of Maharashtra
2. The Superintendent of Police,
Dharashiv.
3. Koyana Satish Vitkar

...Respondents

...

Advocate for Appellant : Mr. Ameya N. Sabnis
APP for Respondent Nos. 1 and 2/State : Smt. M. N. Ghanekar
Advocate for Respondent No.3 : Mr. D. R. Shelke

...

CORAM : KISHORE C. SANT, J.

DATE : 12.06.2025

PER COURT :

1. Heard the learned Advocate for the appellant, learned APP and learned Advocate for respondent No.3.
2. By way of appeal, the appellant has challenged the order passed by the learned Special and Additional Sessions Judge, Osmanabad, Dist. Osmanabad dated 02.04.2025 rejected the Bail Application No. 101/2025 filed by the present appellant.

3. Respondent No. 3 lodged First Information Report on 18.03.2025 registered with Dharashiv City Police Station as C.R. No. 0120/2025 for the offences punishable under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. As per the allegations, the appellant had an affair with the sister of one Abhishek. There was relations between daughter of informant / respondent No.3 and accused No.1. Both were taking education in the same college. On coming to know about the relations, the parents of the deceased arranged her marriage with one other person from their caste. On coming to know of this fact, as per the allegations, this applicant started threatening the deceased as to how she marries with some other person than accused No.1. It is stated that, the deceased therefore committed suicide on 14.03.2025. The F.I.R. thereafter lodged on 18.03.2025.

4. By apprehending her arrest, the appellant approached the trial Court seeking bail in the event of arrest and the same came to be rejected by the impugned order. The appellant is thus before this Court.

5. Learned Advocate for the appellant vehemently argued that in the F.I.R. there is nothing to show that the deceased was insulted by

abusing in the name of her caste. On the contrary, it shows that there was love affair between accused No.1 and the deceased. It is the case that the parents of the deceased settled her marriage with some other person. Section 108 requires some positive intention and action on the part of the person who allegedly abates suicide. Taking the allegations as it, he submits that no case of abatement is made out. The main accused is already released on bail by the Sessions Court. Therefore no case is made out for custody of the present appellant.

6. The learned APP vehemently opposed the appeal. She submits that there is statement of friend of the deceased who has stated that accused No.1 not only mentally harassed the deceased but also physically abused her. He had also maintained physical relations with her. Though initially he wanted to marry the deceased, however, later on he refused to marry on the count of caste stating that his parent will not accept it. It clearly shows that after having relations with the deceased, accused No.1 refused to marry her. She thus submits that the appeal deserves to be dismissed.

7. The learned Advocate for respondent No. 3 also vehemently opposes the appeal. He submits that though the relations were initially

there between accused No.1 and the deceased. However, later on the accused no.1 retracted from the promise to marry on account of caste. He also invited attention to some whats-app chats between accused no.1 and deceased. He submits that learned trial Judge has rightly considered and observed that the appellant suppressed the fact that she is in service and had mentioned her occupation as student. He therefore, submits that suppression of this fact, the trial Court has rejected the application.

8. The learned Advocate for the appellant submits that the appellant is working in Mumbai, the offence is registered in Dharashiv and the witnesses are staying in Beed District. There is hardly any possibility of the appellant trying to contact the defence witness or pressurise the witness.

9. Having heard the parties and after going through the statements and the F.I.R., it is seen that there was affair between the deceased and accused No.1. Now accused No.1 is already released on bail by the trial Court. This Court has considered the statement of a friend of the deceased however the main allegation of refusal to marry is against accused No.1. The only allegation appearing against the present

appellant is that she had threatened the deceased as her marriage was settled with some other person than the accused No.1. The suppression does not appear to be material on affecting merits of case. There is no proximity appearing from any of the act of the appellant and the act of suicide.

10. For this reason, this Court finds prima-facie, it can be said that the appellant positively with intention abated the suicide. It is only after the trial the Court can come to such conclusion. For all the reasons stated above this Court finds that a case is made out to allow the appeal. The appeal is therefore allowed.

ORDER

- (i) The criminal appeal is allowed.
- (ii) The impugned order is quashed and set aside.
- (iii) The appellant be released on bail in the event of arrest in connection with FIR No.0120/2025 registered with Dharashiv City Police Station for the offences punishable under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R.bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with solvent surety in the like amount.

- (iv) She shall attend the police station as and when required by the investigating officer.
- v) She shall not try to contact the informant or any other witnesses.
- (vi) She shall give her contact details and residential address as well as mobile number.
- (vii) The observations are only prima-facie. If it is found that the appellant is indulging any kind of pressurizing tactics or trying to contact the witness, this order shall be liable to be cancelled.

(KISHORE C. SANT)
JUDGE

shp