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23criapl369.25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CRIMINAL APPEAL NO. 369 OF 2025

MANOJ SHESHERAO SHINDE

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondent

Mr. Ameya N. Sabnis, Advocate a/w Mr. Pranav Dhakne,
Advocate for the appellant

Mr. S. B. Jadhav, APP for the respondents/State

Mr. A. A. Phad, Advocate for the respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2025

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1. Heard.

2. This appeal is filed challenging the order dated 17-05-2025 passed by the learned Additional Sessions Judge, Latur rejecting the application of the present appellant seeking regular bail in connection with Crime No. 0205/2025, registered with Chakur Police Station, Dist. Latur for the offences punishable under sections 108 of Bhartiya Nyaya Sanhita, 2023 and

Sections 3(1)(r), 3(1)(s) and 3(1)(1) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. The FIR came to be lodged on 05-05-2025 by respondent No.2 alleging that his son was insulted and humiliated and abused in the name of caste by the present appellant. It is further alleged that the appellant instigated and abated the commission of suicide by the deceased Abhishek. It is alleged that Abhishek was working on the petrol pump of this appellant. In September, 2024 the appellant had assaulted the deceased on account of some fraud allegedly committed by the deceased of Rs.30,000/-. On that informant had requested the appellant not to harass the deceased and he will pay the amount of alleged fraud. In Diwali, 2024 the appellant had been to the house of the deceased. In front of his mother and aunt, the appellant picked up quarrel on account of his Rs.30,000/- and insulted deceased in the name of caste. Again he assaulted the deceased. The informant at that time again assured that he would pay back the amount. In February, 2025 the deceased

again started going to the petrol pump of the appellant saying that he has to come to petrol pump to repay the amount as the appellant is harassing him. It is alleged that on 02-05-2025 the deceased was found in disturbed condition. On phone the appellant informed the informant that the deceased is seen in disturbed condition since night. On receiving this information they went to the petrol pump. That time they received phone call from the appellant that the deceased has committed suicide. On going to the petrol pump, the deceased was seen strangulated in the room behind the petrol pump. It was informed by one of the relatives of Abhishek that appellant used to harass the deceased. It is on this, FIR came to be lodged. The appellant came to be immediately arrested on 02-05-2025 by the police and since then he is in jail.

4. The appellant approached the learned Sessions Judge seeking bail. However, same came to be rejected by the trial court observing that offence is punishable up to ten years with fine. It is further observed that there was physical and

mental harassment and cruelty for demand amount of Rs.30,000/- by the appellant.

5. The learned advocate for the appellant vehemently argued that the alleged incident under the Atrocities Act is alleged in the Diwali, 2024. By looking to the FIR as it is, it is seen that the said incident took place in the house and not in a public place. So, no case is made out under section 3(1)(r) and 3(1)(s). No ingredients of 3(1)(1) are attracted. So far as commission of offence of abetment to commit suicide, he submits that there is no incident shown which made the deceased to commit suicide. There is no proximity of the alleged abetment and act of suicide. The deceased was to pay Rs.30,000/- to the appellant and therefore he was working on the petrol pump. Therefore, he be released on bail.

6. The learned APP and learned advocate for the respondent NO.2 vehemently opposes the appeal. He submits that clearly an offence is made out. In Diwali, 2024 it is not

stated that as to whether offence took place in the house or outside the house. There was constant harassment which resulted in the act of suicide. In fact, investigation is going on. It is suspicion, that it is the case of the murder given colour of suicide. He thus, prays for rejection.

7. The learned APP has placed on record the statements of the witnesses. It is seen from the statement that statements are from the relatives of the deceased who have stated in the light of the FIR. Statement of Bablu co-worker shows that there was no dispute. Statement of Vyankat shows that he noticed that deceased committed suicide and then he called the accused. Statement of Bhaiyasaheb relative of the deceased and informant also shows that there was dispute of amount of Rs.30,000/-. Since the amount could not be repaid, the deceased started working on the petrol pump. He also stated that it is the informant who told him that the deceased was seen in disturbed condition and the informant told him and to see at the petrol pump. All the statements clearly shows that there was some

dispute over the amount. The incident of so called abuse in the name of caste is of Diwali, 2024 when the complaint is made in May, 2025. The said incident is alleged in the house. So far as demand of money is concerned, it is seen that even the informant was aware and he had also promised to repay the amount of Rs.30,000/-. This court finds substance in the submission made by the learned advocate for the appellant on the strength of judgment in the case of Deepak Kumar Tala Vs State of Andhrapradesh and others¹. So far as abetement to commit suicide is concerned, this court finds that no positive act is shown on the part of the appellant to attract the ingredients of abetement to commit suicide. This court finds that a case is made out to allow the appeal. Hence, the following order:

ORDER

- a] The criminal appeal stands allowed.
- b] The impugned order dated 17-05-2025 passed below Exh. 1 in Criminal Bail Application No. 320/2025 by the learned Sessions Judge, Latur is

¹ 2025 SCC Online SC 638

quashed and set aside.

c] The appellant be released on bail in the event of his arrest in connection with Crime No. 0205/2025, registered with Chakur Police Station, Dist. Latur for the offences punishable under sections 108 of Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(1)(1) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, on furnishing PR bond in the sum of Rs.25,000/- [Rupees Twenty Five Thousand] with one solvent surety in the like amount, on following conditions:

i] The appellant shall not contact the informant and witnesses.

ii] The appellant shall give the residential address and contact details to the Investigating Officer.

iii] The appellant shall attend the police station as and when called by the Investigating

Officer.

iv] In case, the appellant tries to pressurize the informant or the witness, this bail order shall be liable to be cancelled.

v] The appellant shall not enter into the limits of Tq. Shirur Anantpal, Dist. Latur for further three months from today except to attend the police station.

[KISHORE C. SANT, J.]

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