

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.135 OF 2025

Chaitanya Umesh Rohankar Appellant

V/s.

The State of Maharashtra & Anr. Respondents

Mr.Nitin Gaware Patil a/w Mr.Shubham Wande and
Mr.Shantanu Kolhe, for the Applicant.

Mr.Prashant Deokar, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th MARCH 2025

P.C:-

. The Special Court has rejected the Bail Application of the Appellant. The Appellant is apprehending arrest, in connection with investigation of Crime No.12 of 2025, registered with Gangapur Police Station, Nashik, for the offences punishable under Sections 64, 74, 318(4) of the Bharatiya Nyay Sanhita, 2023 and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST' Act).

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2. It is prosecution case that, the daughter of the first informant has committed suicide, when first informant checked her mobile, he saw some objectionable chats with Accused No.1 and present Appellant. It is alleged that, the deceased had love affair with Accused No.1 and she was chatting with the present Appellant. It is alleged that, the Appellant took disadvantage of loneliness of deceased, insulted her and abused her on caste. He insisted her to keep physical relation with his friend and he provided number of drug peddlers and also provided contraband to the deceased.

3. It is contention of the learned counsel for the Appellant that, the Appellant has been falsely implicated in this case. The Appellant and deceased were good friends. There were chatting on what's app. These chatting shows that, they were good friends. From the chatting between the Appellant and deceased nothing incriminating reveals. The learned counsel further submitted that, the statement of friend of deceased is recorded by the Police. In the said statement she has stated that, the Appellant would help deceased and deceased had told her that she gets relaxed after speaking with the Appellant.

4. The learned counsel further submitted that, the statement of mother and sister of the deceased have been recorded by police. In the said statement's nothing has been stated against the Appellant. In the statement of sister of the deceased the deceased has referred the Appellant as a great dude. The learned counsel further submitted that, the before committing suicide the suicide note is written by the deceased. In the suicide note she has not referred the name of the Appellant. He further submitted that, there is delay in lodging the FIR. The Appellant is student. He is behind bar more than two months. If he continued in the jail his educational life will be ruined. The charge-sheet has been filed. Hence, requested to allow the Appeal.

5. It is contention of the learned APP alongwith learned counsel for Respondent No.2 that, the Appellant was in constant touch with the deceased. He had asked her to keep physical relationship with his friend and from the chat it reveals that, he had told her that, she is '*adivasi*' and '*jangli*'. The learned APP further submitted that, the Appellant had provided some contraband to the deceased and had provided contact number of drug peddlers to her. The Appellant was insulting the deceased. He is friend of

Accused No.1. Considering the allegations against the Appellant, if he released on bail he may abscond or may threaten the prosecution witnesses. Hence, requested to dismiss the Appeal.

6. It is contention of learned counsel for Respondent No.2 that, the Appellant and the deceased met on Reddit App. The said App is used for drug dealing. The learned counsel further submitted that, the investigation has not been made in respect of allegation of drug peddling. The Appellant was inducing the deceased to take drug's and he was manufacturing the drugs. The Trial Court has observed about drug's issue in his order. The learned counsel further submitted that, he has filed an Application for adding the Section of the NDPS in the present crime. Hence, requested to dismiss the Appeal.

7. I have heard all learned counsel. Perused charge-sheet.

8. The allegations against the Appellant are that, he used to chat with deceased. He supplied contraband to her. He asked her to keep physical relationship with his friend and he was providing drug's to her. He induced the deceased to take drug's and he abused her on caste.

9. Admittedly, there is delay in lodging the FIR. Offence is registered against the Appellant and Accused No.1 on the basis of the what's app chats found in the mobile of the deceased. The what's app chat was personal chat between Appellant and deceased. After referring a word 'Adivashi' to the deceased it appears that, the chat between the Appellant and the deceased continued thereafter. At this stage, it cannot be inferred that it was intentionally used abusive language or it was chat between friend's.

10. The statement of witness Payal Das, friend of deceased is recorded by the Police. In the said statement she has stated that, the deceased had told her that she gets relaxed when she speaks with the Appellant. From the statement of the sister of deceased, it appears that, there was message in the mobile of deceased, referring him 'as great dude'.

11. The offence registered against the Appellant is under Section 108 of Bharatiya Nyaya Sanhita, corresponding to under Section 306 of IPC. Whether the Appellant had instigated or abetted the deceased for committing suicide is part of trial. Though learned counsel for Respondent No.2 has argued about drug peddling and supplied contraband to the deceased by the Appellant,

but the said sections are not applied in the present crime or there is no reference about it in first information report. The Appellant is student. He is behind bar for more than 2 months. Investigation is completed, charge-sheet has been filed. Considering allegations against him his further detention is not required.

12. In view of above, I pass following order.

ORDER

(i) The Appellant-Chaitanya Umesh Rohankar be released on bail in Crime No.12 of 2025, registered with Gangapur Police Station, Nashik, on furnishing PR bond of Rs.30,000/- with one or two solvent sureties in the like amount.

(ii) The Appellant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(iv) The Appellant shall give attendance before the Investigating Officer once in month on first Monday of the month, till framing of the charge.

- (v) The Appeal is allowed in the aforesaid terms.
- (vi) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)