

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.935 OF 2025**

Vivek Mukund AbhangraoAppellant
Vs.
The State Of Maharashtra & Anr.Respondents

Mr. Rushabh D. Phade with Ms. Komal S. Shaha for the Appellant.
Mr. Pravin Jadhav, for Respondent No.2.
Mr. Shrikant H. Yadav , APP, for the Respondent-State.
Mr. S. N. Mote, PSI, Pandharpur, rural, Police Station, Solapur.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 10th FEBRUARY 2026

PC.:-

1. The Appellant is apprehending arrest in connection with Crime No. 0276 of 2025 registered with Pandharpur Gramin Police Station, Pandharpur, for the offences punishable under Sections 108, 352, 351(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS); Sections 3(1)(r), 3(1)(s) and 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.
2. It is the case of the prosecution that the husband of the

deceased has committed suicide by hanging and that a suicide note was recovered from the pocket of his shirt. In the said suicide note, he has stated the reason for committing suicide. He had taken a loan from certain persons and, despite having repaid an amount exceeding the principal along with interest, he was being coerced to pay more money. Owing to such harassment, he became frustrated and, in the suicide note, mentioned the names of the said persons along with their phone numbers.

3. The names of the present Applicants are mentioned in the said suicide note. The FIR was lodged by the wife of the deceased, wherein she stated that they belong to the Chambar community and that the Applicants had humiliated her husband by insulting him on the basis of his caste; therefore, offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act were registered. The Anticipatory Bail application was rejected. Hence, the Appellant has filed the present Appeal before this Court.

4. The learned counsel appearing for Respondent No. 2 opposed the Application, submitting that there are specific allegations in the FIR that the accused persons humiliated the deceased by insulting

him on the basis of his caste. It was further submitted that the FIR specifically mentions the name of the present Applicant and alleges that, despite the deceased having repaid the loan amount, the Applicant insisted on payment of additional money, which drove the deceased to commit suicide. In view of the specific allegations and the explicit naming of the Applicant, it was contended that custodial interrogation of the Applicant is necessary. Hence, it was prayed that the Application be rejected.

5. The learned APP opposed the Application, submitting that specific allegations have been made against the accused and that, despite the amount having been repaid, the Applicant compelled the deceased to pay a further amount. It was further submitted that the Call Detail Records (CDRs) have been filed on record. On these grounds, it was prayed that the Application be rejected.

6. Heard the learned counsel appearing for both the parties and the learned counsel for Respondent No. 2.

7. On perusal of the record, it appears that the deceased committed suicide. In the suicide note left by him, it is specifically

stated that he was frustrated as he had taken loans from several persons and had tried to repay the same. He stated that he had repaid the amounts to some persons and had paid interest on the said amounts in excess of the principal, and that due to such frustration, he committed suicide.

8. Though offenses under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have been registered, the provisions of the said Act do not appear to be attracted, as there are no specific averments in the suicide note to indicate that the deceased was humiliated on the basis of his caste or that any caste-related words were uttered. The FIR has been lodged by the wife of the deceased, who, according to the record, became aware of the contents of the suicide note only thereafter. Her statement, to the extent it alleges caste-based humiliation, appears to be an improvement and is in the nature of hearsay, as no such allegation finds place in the suicide note itself. The registration of offences under the Atrocities Act is thus based solely on the averments made in the FIR.

9. Considering the contents of the suicide note, the provisions of

the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act are not attracted, as there is no material in the suicide note to indicate that the Applicant humiliated the deceased on the basis of his caste.

10. Considering the circumstances, a case is made out to protect the Applicant by granting anticipatory bail. Hence, the following orders:

ORDER

- i) Appeal is **allowed**.
- ii) In the event of arrest of the Appellant, namely, **Vivek Mukund Abhangrao** shall furnish personal bond of **Rs.25,000/-** with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- iii) The Appellant shall remain present before the concerned police station on every Thursday between 11.00 a.m. to 01.00 p.m.;
- iv) The Appellants shall cooperate with the investigation and make himself available for interrogation whenever required;

- v) The Appellant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- vi) The Appellant shall maintain law and order;
- vii) The Appellant shall, at the time of execution of the bond, furnish his residential address and contact number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;
- viii) The Appellant shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete the trial for the above offenses.
- ix) If breach of any of the above conditions is committed, the order of anticipatory bail would be canceled. It would be open to the Investigating Officer to file an application for remand, and the Magistrate concerned would decide it on merits, without being influenced by the grant of anticipatory bail order.

(MRS. VRUSHALI V. JOSHI, J.)