

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.970 OF 2025**

Atul Lingappa KambleAppellant
Vs.
State Of Maharashtra and Anr.Respondents

Mr. Abhay A. Jadhavar, for Appellant.
Mr. Pankaj P. Deokar, APP for Respondent-State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 17th FEBRUARY 2026

PC.:-

1. The appellant in the present appeal is apprehending arrest in connection with C.R. No.893 of 2025 registered with Barshi City Police Station for the offences punishable under Sections 108, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the case of the prosecution that the husband of the deceased committed suicide by hanging himself in a canteen. He had left behind four suicide notes, in which the names of the present Appellant is mentioned. The allegations are that the deceased had taken hand loans from the Appellant as well as from other persons

and that they used to harass and torture him by repeatedly demanding repayment of the said amounts. The names of all such persons have been mentioned in the suicide notes.

3. The FIR further alleges that, as the deceased belongs to a Scheduled Caste, the Appellant abused and humiliated him 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 suicide notes are placed on record. In the suicide notes, the deceased stated that he committed suicide due to the harassment and threats given by the Applicants, including threats of causing harm to his limbs and misuse of stamp papers and cheques, and that he was abused by referring to his caste.

4. In the suicide notes, the deceased has given the names and phone numbers of the said persons and has requested that they be punished and that police protection be provided to his family. The wife of the deceased has lodged the complaint.

5. The learned counsel appearing for the Appellant, submitted that the Appellant belongs to a Scheduled Caste and, therefore, there

is no question of his having insulted or abused the deceased by referring to his caste. In support of this contention, the Appellant has placed his caste certificate on record. The individual transactions were in the range of Rs. 1,000/- to Rs. 2000/-, made through Google Pay or PhonePe.

6. On perusal of the suicide note, it appears that the deceased has mentioned the names of this Appellant and other co-accused, stating that he had taken amounts from them and that they demanded repayment. According to the deceased, due to such trouble, he committed suicide.

7. The Appellant belongs to the Scheduled Caste community; therefore, there is no question of registration of an offense under the SC/ST (Prevention of Atrocities) Act against him. On perusal of the suicide notes, it appears that only a general statement is made in the suicide note. No specific words allegedly uttered by them to insult the caste of the deceased are mentioned. Therefore, *prima facie*, the offence under the Atrocities Act is not attracted.

8. Considering the amount involved and the allegations against

the appellant, which is limited to giving money to the deceased and subsequently asking for its refund, and further considering that the Appellant have cooperated with the investigating machinery during the period of interim protection, no custodial interrogation appears to be necessary. Though the Investigating Officer has stated that the Appellant is not cooperating on the ground that they have not surrendered cheques and stamp papers, it is to be noted that the transactions were online and there were no stamp papers involved.

9. Considering the entire allegations, against the Appellant and as no offense under the Atrocities Act is made out, the Appellant deserve protection by way of anticipatory bail. Hence, the following order:

ORDER

- i) Appeal is **allowed**.
- ii) In the event of arrest of the Appellant, Atul Lingappa Kamble, he 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 Appellant 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.)