

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

APPEAL NO.974 OF 2025

Vishal Vilas GugaleAppellant
Vs.
State Of Maharashtra & Anr.Respondents

WITH

APPEAL NO.4 OF 2026

Santosh Nanasaheb KalamkarAppellant
Vs.
State Of Maharashtra & Anr.Respondents

WITH

APPEAL NO.12 OF 2026

Nilesh Bhiku KhudeAppellant
Vs.
State Of Maharashtra & Anr.Respondents

Ms. Pooja Agarwal, through vc for the Appellant in Appeal No.4 of 2026.

Mr. Chandrakant D. Mali, APP for the Respondent-State in Appeal No.4 of 2026.

Mr. Onkar Waghule, for Appellant in Appeal No.12 OF 2026.

Mr. Shrikant H. Yadav, APP for the Respondent-State in Appeal No.12 of 2026.

Mr. Namit Muthiyan, for Appellant (through vc)

Mr. Chandrakant D. Mali, APP for the Respondent-State in Appeal No. 974 of 2025.

Mr. Umanat Kunjir, PSI in all Appeals.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 10th FEBRUARY 2026

PC.:-

1. All the Appellants in the present Appeal are 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 Appellants are mentioned. The allegations are that the deceased had taken hand loans from the Appellants 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 belonged to a Scheduled Caste, the Appellants abused and humiliated him by insulting him on the basis of his caste; therefore, offenses 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 in Application No.12 of 2026, namely, Nilesh Bhiku Khude, 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. It was further submitted that the Appellant is a neighbour of the deceased and that they shared cordial relations. According to the Appellant, he had lent small amounts to the deceased, ranging from Rs. 1,000/- to Rs. 2,000/-, by Gpay or phone pay and there was no question of the use or misuse of any stamp papers or cheques.

6. The learned counsel appearing for the Appellant, namely Santosh Kalamkar, submitted that the Applicant had lent meager amounts of Rs. 1,000/- to Rs. 2,000/- to the deceased from time to time, whenever requested, by Gpay or phone pay and had merely asked for repayment of the said amounts. It was further submitted that there are no specific allegations of caste based abuse against this Appellant and that only a general statement has been made that all the accused persons insulted the deceased on the basis of his caste.

7. The learned counsel appearing for the Applicant, namely Vishal Gugale, submitted that he was not directly concerned with the deceased, and that the amount in question was paid by one Prashant Mane, who, in turn, gave the same to the deceased. It was contended that there is no allegation of caste based abuse against this Appellant. On these grounds, it was prayed that the Appellant be protected by granting anticipatory bail.

8. All the Appellants further submitted that, during the period of interim protection, they attended the police station and cooperated with the investigating agency. Hence, it was prayed that they be protected by granting anticipatory bail.

9. The learned APP opposed the Appeals, submitting that, during the period of interim protection, the Appellants did not cooperate with the investigating agency, as they failed to hand over the stamp papers and cheques referred to by the deceased in his suicide note. It was further submitted that, as offenses under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have been registered against the Appellants, the present Applications for anticipatory bail deserve to be rejected.

10. The learned APP further pointed out that there were several phone calls made by Nilesh Gugale and Santosh Kalamkar to the deceased, which, according to the prosecution, were demands for money. On these grounds, it was prayed that the Appeals be rejected.

11. The learned counsel for the Respondent No.2 is not present.

12. Heard the learned counsel appearing for both the parties.

13. On perusal of the suicide note, it appears that the deceased has mentioned the names of all the Appellants and other co-accused, stating that he had taken amounts from them and that they had called upon him to refund the said amounts. According to the

deceased, due to such trouble, he committed suicide. The deceased has also mentioned the names of the Appellants along with their phone numbers. Applicant Nilesh Gugale and Applicant Santosh Kalamkar have stated that they had given money to the deceased whenever he asked for the same, through Google Pay and Phone Pay. The individual transactions were in the range of Rs.500/- to Rs.900/-, and the total amount comes to approximately Rs.60,000/-.

14. The Nilesh Gugale- 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. As regards the other two accused persons, 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. The suicide note contains only a vague and general allegation. Therefore, *prima facie*, the offence under the Atrocities Act is not attracted.

15. Considering the amount involved and the allegations against all three Appellants, which are limited to giving money to the deceased and subsequently asking for its refund, and further

considering that the Appellants 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 Appellants are 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.

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

ORDER

- i) Appeals are **allowed**.
- ii) In the event of arrest of the Appellants, namely, **Vishal Vilas Gugale, Santosh Nanasaheb Kalamkar and Nilesh Bhiku Khude** shall furnish personal bond of **Rs.25,000/-** each with their recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- iii) The Appellants 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 Appellants 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 Appellants shall maintain law and order;

vii) The Appellants shall, at the time of execution of the bond, furnish their 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 Appellants 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.)