

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

CRIMINAL APPEAL NO.1450 OF 2018

Sagar @ Tagya Shyamrao Mulik Appellant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Ganesh Bhujbal for the Appellant

Mr. S.H. Yadav, APP for the State.

Mr. Navnath Dhavale, Dy. S.P., Karad present.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 30th November 2018

P.C.:

1 This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SCST Act”). The appellant is seeking enlargement on bail in Crime No. 908 of 2017 registered with Karad City Police Station, Satara, for the offences punishable under Section 354, 354-B of Indian Penal Code and Sections 3(1)(w)(i), 3(2)(va) of “SCST Act, 1989”.

2 Notice was issued to the complainant in the application seeking condonation of delay, however, none appeared although

duly served. The delay was condoned on 26th November 2018.

3 It is the case of the prosecution that on 18th December 2017, Ms. "X" lodged a report at the police station alleging therein that on 17th December 2017 at about 8.00 pm., she was returning home from Oglewadi. The present appellant had apprehended her on the spot. As he happens to be a good friend of her husband, he had offered to drop her home. Initially, she refused the offer. He had forced her to board on his motorcycle. On the way, he had made her fall down on the road and thereafter had outraged her modesty. Since, she had fallen from the motorcycle, she had sustained injuries. She had been to the Primary Health Centre. She returned home and on the next day, she intimated the incident to her father-in-law and mother-in-law and thereafter reported the matter to the police station. On the basis of which, Crime No.908 of 2017 was registered at Karad City Police Station.

4 The appellant was arrested on 13th April 2018. The statement of an independent witness namely Subhash Chander

Korade was recorded on 20th December 2017. He had disclosed that on 17th December 2017 he was returning home with his she-goats. He had seen the complainant near the garbage depot. She had fallen on the road. Upon enquiry, she had disclosed that she had fallen from the motorcycle of the present appellant. He had seen the appellant going alone on the motorcycle. He had not halted at that spot. She had not disclosed anything more. He has further submitted that the husband of the complainant is in Jail for the last three years as he is being prosecuted for an offence punishable under Section 302 of Indian Penal Code. Be that as it may, the investigation is completed and charge-sheet is filed on 11th May 2018.

5 Learned counsel for the appellant submits that further incarceration would be unwarranted and unjustified. The appellant has been in custody for more than six months.

6 It is pertinent to note that although it is the contention of the complainant that she had visited the Primary Health Centre

immediately, there is no medical certificate on record to that effect. The appellant deserves to be enlarged on bail. Hence, the following order :

ORDER

- i) The appeal is allowed and disposed of.
- ii) The appellant be enlarged on bail on furnishing P.R. bond in the sum of Rs.20,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall report to the concerned police station as and when called by Police.
- iv) Parties to act on authenticated copy of this order.

(*Smt. Sadhana S. Jadhav, J*)