

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

CRIMINAL APPEAL NO.905 OF 2017

Mr. Rohan Rajan Patole

..Appellant

Versus

The State of Maharashtra and another

..Respondents

Mr. Shriram S. Chaudhari, Advocate for the Appellant.

Mrs. S. V. Sonawane, APP for the Respondent No.1.

Mr. Shekhar A. Ingawale, Advocate for Respondent No.2.

CORAM : B. R. GAVAI &

A. M. BADAR, JJ.

DATE : 19th JANUARY, 2018

PC.

1] The present Appeal challenges the order passed by the learned Additional Sessions, Judge, Pandharpur, dated 27th October 2017, thereby rejecting the application filed by the present Appellant for various offences including the offences under the provisions of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (For short "SCST Act").

2] The perusal of the material placed on record would reveal that initially on the basis of complaint of the father of the prosecutrix, namely Mr. Santosh Chandrakant Sonawane, an FIR came to be registered against unknown persons for the offence punishable under Section 363 of the Indian Penal Code (For short "IPC") on 30th June 2017. However, it appears that prosecutrix was accosted by the Police alongwith

accused No.1 namely Umesh near Vashi. Thereafter her statement came to be recorded, wherein she has alleged that accused No.1 Umesh forced her to love with him by giving threats and also had forcibly intercourse with her.

3] The perusal of the statement of the prosecutrix would reveal that in so far as the present Appellant is concerned, the allegation is that the Appellant alongwith another person had accompanied the accused No.1. However, from perusal of the entire material on record would reveal that there is nothing in the statement to even remotely connected the present Appellant for the offences punishable under the SCST Act. In so far as the offence punishable under Section 376 of the IPC is concerned, the perusal of the statement as already discussed herein above would reveal that the only allegation is that the Appellant was in the company of accused No.1. The Appellant is behind the bar for a period of six months.

4] In that view of the matter, the Appeal is allowed. The Appellant is directed to be released on bail on furnishing bail bond in the sum of Rs.10,000/- with one or more sureties in the like amount.

[A. M. BADAR, J.]

[B. R. GAVAI, J.]