

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

CRIMINAL APPEAL NO. 524 OF 2019

Prasad Dilip Pathade.

..Appellant.

V/s.

State of Maharashtra & anr.

..Respondents.

Mr. Aniket U. Nikam, advocate for appellant.

Mr. Ganeshlal A. Kataria, advocate for respondent No. 2.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 22, 2019.

P. C. :

1 Heard the learned Counsel for the appellant and the learned APP for State.

2 This is an appeal filed under section 14 A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015. On 9/9/2018 the complainant lodged a report at the police station alleging therein that she was studying in Swami Vivekanand (Institute of Pharmacy), Mungase, Taluka Malegaon during the period 2015 to 2017. At that time, present appellant had contacted her and had expressed his love for her. He has also proposed her for marriage. According to her, she had apprised the appellant of the fact that she belongs to scheduled

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caste, whereas the appellant belongs to upper caste. He was still willing to go ahead. He used to love her and the caste differences did not affect him. Thereafter, she had also approved of his love and they were going steady for quite some time. Thereafter, she had started working in a pharmacy shop. They continued to meet each other. They were visiting in several hotels and had consensual sex. Time and again he had informed her that he would convince his parents and that she should not get perturbed by the same. According to the victim, since 22/7/2018 he was avoiding to meet her. She was persistently asking him about getting married to her. Finally, he refused to marry and therefore, she was constrained to approach the police station. The appellant is in custody since 14/2/2019 and continues to remain in custody.

3 The investigation is completed and charge-sheet is filed. There is no doubt that the complainant had attained majority. It is submitted by both the parties that the parents of the appellant had approached the complainant and the things may take its own turn.

4 Since the appellant has been in custody for more than 2 months, the appellant deserves to be enlarged on bail. Hence, following order is passed :

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ORDER

- (i) The appeal is allowed.
- (ii) The appellant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more solvent sureties in the like amount.
- (iii) The appellant shall furnish his residential address and contact numbers to concerned Court.
- 5 The appeal is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]