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

CRIMINAL APPEAL No. 809 OF 2018

Rajani Prakash More

...Appellant

Vs.

State of Maharashtra and Ors.

...Respondents

Ms. Divya Gupta i/b. Mr. Nitin S. Satpute for Appellant

Mr. S.S. Pednekar -APP for the State

Mr.Vivek Arote i/b. Mr. Aashish Satpute for Respondent Nos.
2 and 3

Mr. A.D. Kedare, PSI Chandwad Police Station, Nasik
(Gramin)

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : JANUARY 28, 2019

P.C.:

1. This is an appeal under section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeking cancellation of bail i.e. setting aside the order dated 5th February, 2018 passed by the Additional Sessions Judge, Niphad thereby granting bail in favour of Respondent Nos.2 and 3 in C.R. No. 14 of 2018 registered at Chandwad Police Station, for the offences punishable under sections 376 (2) (n), 377, 323, 504, 506 r/w. 34 of the Indian Penal Code and under section 3(1)(r) (w), 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The learned APP, upon instructions and in the presence of the Police Officer, submits that in the present case, the charge sheet is

filed in August, 2018 and the entire investigation is completed.

3. It is the case of the Complainant- Appellant herein that Respondent No.1 herein had expressed his love for the Complainant and had promised to marry her. Since she was assured that she would be married with Respondent No.1, she had consented for sexual intercourse. It appears from the record that on 22nd January, 2018, Respondent No.2 had lodged FIR against the Appellant, on the basis of which, Crime No. 10 of 2018 was registered against her for the offence punishable under section 384 r/w. 34 of the Indian Penal Code. Respondent No.1 has not denied the relationship. He was officiating as a Surpanch. It is stated in the said FIR that the brother of the Appellant had taken photographs of his sister with Respondent No.1 and when he was asked to delete the same, he demanded Rs.15,000/-.

4. It is the case of the Appellant that present Respondent No.1 had fraudulently transferred her entire land on his name and, therefore, she was seeking return of the property. The Appellant herein had filed a report at the police station on 29th January, 2018. On the basis of which, Crime No. 14 of 2018 was registered against Respondent Nos.2 and 3 for the offences punishable under sections 376 (2) (n), 377, 323, 504, 506 r/w. 34 of the Indian Penal Code and under section 3(1)(r) (w), 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The learned counsel for the Appellant vehemently submits

that in fact, she had consented for sexual relationship only because they were to get married. However, subsequently, he had abused her by referring to her caste and had also stated that the woman belonging to that caste do not deserve to get married.

6. In Crime No. 10 of 2018, the cell phone, from which the acts between the Appellant and Respondent No.1 were video-graphed, was seized. The video clips were seen by the panchas, the Complainant and the police in the presence of the accused. The video-graphs were taken by none other than the brother of the Appellant. The said aspect is considered by the Learned Sessions Judge in its proper perspective. It appears that the Appellant and Respondent No.1 were in a relationship for almost three years. The Learned Sessions Judge has considered all the aspects of the case.

7. Upon perusal of the order of the Learned Sessions Judge, it cannot be said that the order is perverse. The Learned Sessions Judge has considered all the papers of investigation and, hence, there is no reason to interfere with the order and, therefore, the impugned order dated 5th February, 2018 passed by the Learned Sessions and District Judge Niphad, granting bail to Respondent Nos.2 and 3, is upheld. Interference is unwarranted.

8. The learned counsel for the Respondents, upon instructions, submits that in view of the fact that the Appellant herein has filed non-cognizable cases against the Respondents alleging therein that the Respondents in connivance with the Police Patil is harassing the Appellant herein. Hence, Respondent Nos.2 and 3 shall not

reside in Village Pathareshembe, Taluka Chandwad, Dist. Nashik till 30th May, 2019.

Criminal Appeal is dismissed on merits.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam