

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1245 OF 2019

Suraj Ankush Shinde Appellant

Versus

The State of Maharashtra ... Respondent

Mr. Rahul Arote for the appellant.

Mr. Mahesh Chandanshiv for respondent no. 2.

Mr. K.V. Saste, APP for the State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : DECEMBER 12, 2019

P.C.:

Heard counsel for the appellant as also counsel for respondent no.2 with respondent no. 2.

2. The appeal under section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 questions rejection of bail.

3. We find that the report has been lodged more than two months after the alleged incident. The relationship between the petitioner and respondent no.2 prevailed since 30/1/2018 i.e. for more than one year.

4. The facts show that they had stayed together earlier also

at the place of relative of the appellant.

5. The incident of beating dated 10/1/2019 is not being established by any independent evidence.

6. We therefore, find prima facie that it is the case of consensual relationship and the marriage perhaps has not become possible because of some opposition by the family members. In this situation, we find that the appellant is entitled to bail.

7. Accordingly, we release him on bail on the following terms and conditions :

(a) The appellant shall execute personal bond in the sum of Rs.20,000/- before the trial court for proper behaviour and for remaining present on due dates before the Court in the present matter with two independent sureties in the like amount.

(b) He shall give address at which he shall always be available during the pendency of the trial along with his contact numbers.

(c) Similar details in relation to his sureties shall also be furnished.

(d) He shall not in any way directly or indirectly attempt to contact or pressurize either complainant or any of the witnesses in the matter.

(e) He shall report to the Superintendent/Registrar of Sessions Court, Pune on first working Monday after every two months as a condition of his release.

(f) His failure to observe any of the terms and conditions shall entitle the respondent State to take him in custody forthwith.

8. The appeal is allowed and disposed of accordingly.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)