

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 360/2020

Nagesh Sarangdhar Bokse,
Aged about 27 years, Occ. Driver,
R/o. Borgaon Vairale,
Tah Balapur, Dist. Akola

.... **APPELLANT**

// VERSUS //

1] State of Maharashtra,
Through Police Station Officer,
Police Station Shegaon City,
Buldhana

2] Manisha Samadhan Ingle,
R/o. Milind Nagar, Shegaon,
Dist. Buldhana

.... **RESPONDENT(S)**

Shri M.N. Ali, Advocate for the appellant
Shri M.K. Pathan, APP for the respondent no. 1
Shri S.V. Sirpurkar, Advocate for the respondent no. 2

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 28/10/2020

ORAL JUDGMENT : (PER:- AMIT B. BORKAR, J.)

1] Heard Shri M.N. Ali, Advocate for the appellant, Shri M.K. Pathan, learned APP for the respondent no. 1 – State and Shri S.V. Sirpurkar, Advocate for the respondent no. 2 – Victim.

ANSARI

2] **ADMIT.**

3] This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act challenging the order passed by the Special Judge, Khamgaon, Dist. Buldhana by which the bail application of the appellant is rejected.

4] F.I.R./Crime bearing no. 341/2020 was registered against the appellant with the respondent no. 1 – Police Station for the offences punishable under Sections 376(2)(n), 313 and 506 of the Indian Penal Code and Sections 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va), 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The appellant was arrested 10/08/2020.

5] Learned advocate for the appellant submitted that the appellant is aged about 27 years and the victim is aged about 26 years. He further submits that the appellant and victim were in relationship since 2017 which continued till filing of the report and after the appellant was released on provisional bail, he had not misused the liberty granted to him. It is further submitted that there is no other crime registered against the appellant.

6] Learned APP for the respondent no. 1 – State and learned advocate for the respondent no. 2 – Victim strongly opposed the grant of bail to the appellant.

7] Learned advocate for the respondent no. 2 submits that the victim has transferred an amount of Rs. 1,10,325/- in the bank account of the appellant which has been obtained by him on the pretext of marriage and the copies of the said transaction are annexed to the reply which supports the case of the victim that the amount is infact transferred.

8] We have scrutinized the record and the replies filed by the respondents. From the averments in the report, it appears that the appellant and victim are in relationship since 2017 till filing of the report. On overall assessment of the material on record and considering the fact that the appellant has not misused the liberty granted to him when he was released on provisional bail and since there is no other crime registered against the appellant, we feel that the order granting provisional bail to the appellant is required to be confirmed. Insofar as the submission of the learned advocate for the respondent no. 2 that the victim has paid an amount of Rs. 1,10,325/- to the appellant is concerned, we are of the view that the said contention will

have to be raised before the Sessions Court at appropriate stage and the same contention cannot be examined at this stage.

9] Therefore, we pass the following order :-

a) The order 08/09/2020 passed by the Special Judge, Khamgaon, Dist. Buldhana in Regular Bail Application No. 320/2020 is quashed and set aside.

b) The order dated 23/09/2020 passed by this Court granting provisional bail to the appellant is confirmed on the same terms and conditions.

With the above observations, the criminal appeal stands **allowed** in the above terms.

JUDGE

JUDGE