

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 CRIMINAL APPEAL NO. 186 OF 2021
WITH APPLN/1159/2021 IN APEAL/186/2021

MANOJ SURESH DHOTRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Rajendra G. Hange &
Mr. Anirudh R. Hange

APP for Respondent No.1-State : Mr. S. P. Deshmukh

Advocate for Respondent No.2 : Ms. Shital E. Waghmare (appointed)
Advocate for the Applicant in Appln/1159/2021 : Mr. N. R. Thorat

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**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.
DATED : 2nd JULY, 2021**

PER COURT:-

1. We have heard learned counsel for the appellant-accused at length.

2. The victim has filed Criminal Application No. 1159 of 2021 in this appeal. She has approached to us with various contentions including that she was major at the time of the alleged incident and that she had voluntarily joined the company of the appellant. She has also stated in her application that she resides with the family of the appellant as a member of his family. She has also contended in

the application that she has become pregnant from the appellant and she has now become part of his family.

3. Unfortunately, in a bail appeal like this, and when the victim is a person belonging to the Scheduled Tribe category, we cannot rely upon the contention raised in the application unless the same is verified by the Investigating Officer.

4. We accordingly direct the Investigating Officer to carry out further investigation by recording a supplementary statement of the victim and also to verify the documents like Aadhar Card etc. submitted by the victim along with the application and forward the same to the concerned Special Court as part of the charge sheet filed in connection with the present crime.

5. Learned counsel for the appellant at this stage seeks leave to withdraw this appeal with liberty to the appellant to file an application for regular bail afresh before the Special Court after the Investigating Officer submits the supplementary charge sheet in terms of the provisions of Section 173(8) of the Criminal Procedure Code.

6. Leave granted. The Criminal Appeal is disposed off as withdrawn with liberty to the appellant-accused to file an application for regular bail afresh after the Investigating Officer submits the supplementary charge sheet in terms of the provisions of Section 173(8) of the Criminal Procedure Code by recording the supplementary statement of the victim in the light of the averments made in her application bearing Criminal Application No. 1159 of 2021.

7. Criminal Application No. 1159 of 2021 also stands disposed off.

8. Since learned counsel Ms. Shital E. Waghmare was appointed to represent the cause of respondent no.2, who happened to be the mother of the victim and the original complainant, we quantify the fees at Rs.2,000/- (Rupees Two Thousand) to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)