

Tandale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 63 OF 2021

Neha Vijay Gore

.... Appellant

Vs.

The State of Maharashtra and Anr.

.... Respondents.

Mr. Niranjn Mogre a/w Mr. Siddhesh Borkar for the Appellant.

Mr. A. R. Patil, APP for the Respondent No.1-State.

Mr. B. G. Gade, ACP, Turbhe Division, present.

CORAM : A. S. GADKARI, J.

DATE : 19th MARCH, 2021.**P.C.:-**

1. By a reasoned Order dated 22nd January 2021, the appellant was granted interim relief.

Perused the record of investigation.

2. The record indicates that, the Investigating Officer of the present crime has given due intimation to the respondent No.2 about filing of the present Appeal and the scheduled date of hearing. Despite specific intimation by the concerned Investigating Officer, respondent No.2 is not present.

3. The record clearly indicates that, for an alleged incident dated 25th November 2019, the respondent No.2 initially lodged a crime on 29th September 2020 with Lonavala City Police Station under Sections 406, 420, 467, 468, 471, 504, 506 read with 34 of the Indian Penal Code. On 29th September 2020, despite having sufficient and ample opportunity, the

respondent No.2 did not narrate the alleged fact of abuses by the appellant on his caste to him. The respondent No.2 subsequently lodged another crime i.e. C.R.No.0206 of 2020, on 8th December 2020 with CBD Belapur Police Station, Navi Mumbai for the same incident of 25th November 2019 only with addition of allegations of abuses on his caste by the appellant. It clearly appears from the record that, as and by way of an afterthought the subsequent F.I.R. was registered by the respondent No.2 with a different police station for adding the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Apart from the factum of delay, even in lodging the first crime, the record clearly indicates that, the conduct of respondent No.2 is not bonafide in approaching two different police stations with variance in his allegations.

5. In view thereof, this Court is of the opinion that, the lodgment of subsequent crime i.e. C.R. No.0206 of 2020 registered with CBD Belapur Police Station, Navi Mumbai is not a genuine and bonafide narration of facts by the respondent No.2 and the appellant deserves to be protected by pre-arrest bail.

6. In view of the above, interim relief granted by Order dated 22nd January 2021 is confirmed.

7. Appeal is allowed in the aforesaid terms.

(A.S. GADKARI, J.)