

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

950 CRIMINAL APPEAL NO.174 OF 2022

VILAS AMBADAS SHETE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Dhanraj S. Ingole h/f A K
Bhosle

APP for Respondent : Mr. P K Lakhotiya

Advocate for Respondent 2 : Mr. S.G. Shinde

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CORAM: SARANG V. KOTWAL & BHARAT P. DESHPANDE, JJ.

Dated : July 15, 2022

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PER COURT :-

1. This is an appeal praying for anticipatory bail in connection with C.R.No.449 of 2021 registered with Shrigonda police station for the offence punishable under sections 376 of the IPC and under sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short referred to as 'the said Act'). The appellant had preferred an application for anticipatory bail before the Additional Sessions Judge, Shrigonda which was rejected vide order dated

16.2.2022 and thereafter this appeal under section 14-A of the said Act is preferred.

2. The FIR mentions that the applicant was working as cashier in a bank. According to the informant, she was belonging to Pardhi community. The appellant was a cashier. On 24.4.2021 she had gone to bank to withdraw an amount of Rs.40,000/-. At that time, the appellant allegedly offered to drop her to her house. Then, she consented. She was taken on his motorcycle, but instead of taking her to her house, she was taken to Jambar Mala, Ajnuj road, Kavthana and committed rape on her. He also threatened her. It is alleged that, on 28.6.2021 again he told her that unless she complied with his demand, he would tell about the earlier incident to everybody and, therefore, she had again accompanied him and again he committed rape on her. On this basis the FIR is lodged.

3. Learned counsel for the appellant submitted that the appellant has not committed any offence. He has

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retired from the bank and he is falsely implicated in this crime.

4. The learned APP produced supplementary statement of the prosecutrix recorded on 30.3.2022. In that statement, she has admitted that she had lodged the complaint maliciously because the appellant had not given the currency notes of higher denomination as required by her and by getting angry she lodged this FIR so that the appellant would face harassment. She has categorically stated that the appellant has not committed any offence as alleged by her. Learned APP also submitted a copy of the document to show that the respondent no.2 was informed about the pendency of this appeal. The respondent no.2 is represented by Advocate Shri S.G.Shinde.

5. Learned counsel Mr. S.G.Shinde has been appearing for the respondent no.2 when previous orders were passed. Learned counsel for respondent no.2 had no explanation to offer in respect of this supplementary statement.

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6. Considering this supplementary statement, the appellant deserves protection of anticipatory bail. At the same time, the Investigating Agency needs to take strong action in this behalf since according to the informant herself, she has lodged a false FIR making serious allegations against the appellant. Hence, the following order.

O R D E R

- i. In the event of his arrest in connection with C.R.No.449 of 2021 registered with Shrigonda Police Station, District Ahmednagar, the appellant is directed to be released on bail on his furnishing PR bond in the sum of Rs.10,000/- (Rs. Ten Thousand) with one or two sureties in the like amount.
- ii. Appeal is disposed of accordingly.

(BHARAT P. DESHPANDE, J.) (SARANG V. KOTWAL, J.)

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