

Versus

.....

Ms. P.P. Shinde, APP for the State.

● ● ● ● ● ● ● ●

DATED : 14 OCTOBER 2022

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.21 of 2022 registered at Kurduwadi Police Station, Solapur for the offence punishable under Sections 376(2)(n), 307, 326, 323, 504, 506, 143, 147, 149 of Indian Penal Code and Sections 3(1)(w), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act).

3. According to the prosecution, the present applicant on multiple occasion committed sexual intercourse with the prosecutrix against her wish and when she refused to keep physical relations with him, he alongwith other co-accused tried to kill her by pouring petrol on her

person and setting her on fire.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the prosecution has wrongly invoked the offences punishable under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. He submits that the present applicant belongs to scheduled caste. On merits it is submitted that there is a dispute between the parties and therefore false and vague allegations are made against the present applicant. It is submitted that nothing is to be recovered from the applicant and therefore, his custodial interrogation is not necessary and the same is evident from the fact that the prosecution has already filed the charge-sheet.

6. On the other hand, the learned APP for the State submits that there are specific allegations against the present applicant. It is submitted that considering the serious nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the First Information Report. Under threat, the prosecutrix was made to keep physical relations with the present applicant and she was sexually exploited for two months. When she refused to keep physical relations with present applicant, the present applicant and other co-accused tried to kill her by pouring petrol on her

person and setting her on fire. Hence, no case is made out for anticipatory bail. The Application is rejected.

**( N.R. BORKAR, J. )**