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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 824 OF 2022**

Dhanaji Subhash Shinde

.. Appellant

Versus

State of Maharashtra and Anr.

.. Respondents

Mr. Prashant Hagare for Appellant.

Mr. H. J. Dedhia, APP for State.

Ms. Vrushali L. Maindad, Advocate appointed for Respondent No.2.

**CORAM : A. S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 6th October, 2022.

P.C.:

. Heard Mr. Hagare, learned Advocate for Appellant, Ms. Maindad, learned Advocate appointed by Legal Aid Committee to represent Respondent No.2 and Mr. Dedhia, learned APP for Respondent No.1-State. Perused record of investigation.

2. By a reasoned Order dated 19.08.2022, Appellant was granted interim relief.

In the First Information Report (FIR) itself, the Respondent No.2 has admitted the fact that, she was residing with the Appellant in live-in-relationship since the year 2017. That, in January- 2020, she gave birth to a male child out of the said relationship at Women's Hospital, Baramati. Respondent No.2 has further stated and she subsequently realised that, the Appellant has performed marriage with

another girl and the said fact was concealed from her. It is thus apparent that, the relations between the Respondent No.2 and Appellant were consensual relations. As the Respondent belongs to a scheduled caste, the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC & ST Act") are applied to the present crime.

3. Perusal of record of investigation indicates that, in pursuance of Order 19.08.2022, Appellant has attended the Investigating Officer on the stipulated dates and has joined the process of investigation. Record further indicates that, the Investigating Agency has already seized medical documents from the Women's (Mahila) Hospital, Baramati pertaining to the birth of the male child, out of the relationship between Appellant and informant.

4. In view of the above, we are of the considered opinion that, the custodial interrogation of the Appellant for further investigation of the present crime is not necessary and he can be protected by pre-arrest bail.

5. Interim relief granted by Order dated 19.08.2022 is hereby confirmed.

However, Appellant is directed to attend the Investigating Officer till filing of chargesheet, after receipt of notice in writing from Investigating officer specifying date and time in that behalf.

6. Impugned Order dated 20.07.2022 passed below Exhibit-1 in Criminal Bail Application No. 602 of 2022 is set aside and Appeal is accordingly allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A. S. GADKARI, J.]

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