

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR**

**CRIMINAL APPEAL NO.152/2022**

**Mangesh Pradiprao Parshivkar**

**..vs..**

**State of Mah., thr.PSO PS Khallar, Taluka Daryapur, District Amravati (Rural) and  
anr**

.....  
Office Notes, Office Memoranda of Coram,  
appearances, Court orders or directions  
and Registrar's orders

Court's or Judge's Order

.....  
Shri S.J.Kadu, Counsel for the appellant.

Shri S.M.Ghodeswar, Addl.P.P. for the state.

**CORAM : V.M.DESHPANDE &  
AMIT B.BORKAR, JJ.**

**DATED : MARCH 17, 2022.**

1. The present appeal is filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 since an application for grant of pre-arrest bail was rejected by learned Additional Sessions Judge at Achalpur, district Amravati.

2. We have heard learned counsel Shri S.J.Kadu for the appellant and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State.

3. Learned counsel for the appellant submits that this is a fit case wherein the Court should exercise powers and should protect personal liberty of the appellant particularly in view of fact that respondent No.2 is filing second First Information Report.

4. Respondent No.2, who is victim of sexual assault made on her by the appellant, at the relevant time was employee of the appellant. Thus, the appellant was in a position to exercise and to influence thought process on respondent No.2. The appellant, thereafter, giving assurances to respondent No.2 that

.....2/-

he will marry with her, established sexual relations with her and ultimately he turned around. Therefore, respondent No.2 was required to file a complaint with Frezarpura Police Station, Amravati. Police Station Officer of the said police station recorded an offence against the appellant, vide Crime No.2/2020, for offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code read with Section 3(1)w, (1) (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. It appears that respondent No.2 and the appellant and co-accused Kamla filed joint Criminal Application (APL) No.30/2020 for quashing of the said First Information Report. This Court, vide judgment dated 16.1.2020 (Coram : P.N.Deshmukh and Pushpa V.Ganediwala, JJ.) disposed of the said criminal application and quashed the First Information Report on ground of compromise. It appears that, thereafter, the appellant turned around and, therefore, respondent No.2 was required to file a fresh First Information Report against the appellant.

6. According to learned counsel for the appellant, he issued a Notice to respondent No.2 on 1.12.2020. The Notice is kept on record at page No.64.

7. Whether respondent No.2 is not turning, in view of statement made in the Notice, is a matter of evidence. A question is, whether at the first inception there was a cheating and, thereafter, the appellant established sexual intercourse or not, is a matter of evidence and that cannot be decided merely on the basis of documents such as the Notice. The allegations in the First Information Report disclose that the appellant was threatening the complainant to make their photos viral in public

domain. Therefore, investigating agency may require custody of the appellant for recovery of those photos.

8. Learned Judge below, in our view, rightly rejected the application for grant of pre-arrest bail warranting no interference from this Court. Hence, the criminal appeal is **dismissed** and disposed as such.

**JUDGE**

!! BRW !!  
BHUSHAN  
RANA  
WANKHEDE

Digitally signed  
by BHUSHAN  
RANA  
WANKHEDE  
Date:  
2022.03.21  
17:45:28 +0530

**JUDGE**