

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

CRIMINAL APPEAL NO.247/2021

Prabhakar Shriramji Pawar .vs. State of Maharashtra through PSO
Daryapur, Tq. Daryapur, Dist. Amravati and anr.

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

Court's or Judge's orders.

Mr. Tripathi, Advocate holding for Mr. A. Deshpande,
Advocate for appellant.
Mrs. M. A. Barabde, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE & AMIT B. BORKAR, JJ.
DATED : APRIL 11, 2022.

Heard Mr. Tripathi, learned counsel for appellant
and Mrs. Brabde, learned A.P.P. for respondent-State.
Nobody appears for respondent no.2, though duly served.

Present appeal under Section 14-A of the
Scheduled Caste and Scheduled Tribe (Prevention of
Atrocities) Act is filed by the appellant since his application
for pre-arrest bail under Section 438 of the Code of Criminal
Procedure was rejected on 18.06.2021 i.e. Misc. Criminal
Application No.292/2021 by Additional Sessions Judge,
Achalpur for an offence punishable under Sections 376, 323,
504 and 506 of the Indian Penal Code and Section 3 (2) (va)
of the Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act.

Respondent no.2 is victim/prosecutrix. She
lodged a report with Police Station, Daryapur, Tq. Achalpur,
Dist. Amravati on 03.06.2021 on the allegation that on

28.05.2021, present appellant took Rs.10,000/- and promised that he will see that she is appointed in the school and thereafter committed rape on the prosecutrix.

After rejection of application, the present appeal was filed and this Court on 28.06.2021 was pleased to pass an ad interim order granting pre-arrest bail in favour of the appellant with a condition that he shall attend the Police Station.

As on today, there is no dispute on behalf of the prosecution that the applicant has not followed the condition or he has misused the liberty granted to him.

In that view of the matter, we pass the following order.

ORDER

- (i) The appeal is allowed.
- (iii) Impugned Order dated 18.06.2021 passed by Additional Sessions Judge, Achalpur in Criminal Bail Application No. 292/2021 is quashed and set aside.
- (iv) Ad interim order dated 28.06.2021 passed by this Court, stands confirmed.
- (v) Appellant shall attend Police Station, Daryapur as and when directed by the Police Station Officer. However, for that the Police Station Officer shall give a clear cut 48 hours written notice to the appellant.

JUDGE

JUDGE

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Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 13.04.2022
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