

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL APPEAL NO.400 OF 2023

RAJKUMAR SOPAN GAVALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Krishna Pratap Rodge
APP for Respondent – State : Mr. S.P. Sonpawale
Advocate for Respondent No.2 (appointed) : Mr. PP. Pangal
...

CORAM : R. M. JOSHI, J.
DATE : 13th JULY, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No.54 of 2023 registered at Ambajogai Rural Police Station, Dist. Beed for the offences punishable under Section 354-A, 504, 506 r/w. 34 of Indian Penal Code (in short, 'I.P.C.') and Section 3 (1)(r), 3(1)(s), 3 (2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (Hereinafter referred to as the 'SC & ST Act').

2. Learned counsel for appellant states that only for the reason the informant belongs to SC category, the offences punishable

under the provisions of SC & ST Act have no application to the present case. It is further argued that allegation against present appellant seeking sexual favours from informant is of dated 31.12.2022. According to him, the report is lodged on 09.03.2023. It is also pointed out that the contents of the FIR clearly show that there are disputes between parties and complaints were made. Learned counsel further states that this is a fit case for grant of anticipatory bail as nothing is to be recovered at the instance of appellant.

3. Learned APP and learned counsel for informant opposed the application by stating that the allegation against present appellant is of serious nature as he had sought sexual favours from informant.

4. At the outset, it needs to be recorded that no offence punishable under the SC & ST Act is attributable to present appellant in view of Section 3 of the Act, which provides that the punishments for the offence of SC & ST Act is prescribed against the persons who is non-member of Scheduled Caste and Scheduled Tribes. Thus, bar of Section 18 under the said Act does not apply to present case. As far

as allegation of alleged sexual favours sought from informant is concerned, the said incident has allegedly occurred on 31.12.2022. Report in this regard is lodged on 09.03.2023. Thus, there is reason to believe that owing to the previous disputes between the parties over implication of appellant cannot be ruled out. Hence, the following order:

ORDER

- (i) Appeal is allowed in terms of interim relief dated 04.05.2023.
- (ii) Fees of learned Counsel Mr. PP. Pangal, who is appointed to represent cause of respondent No.2, is quantified at Rs.6,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

[R. M. JOSHI]
JUDGE

GGP