

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 447 OF 2023

Ramkishor Kishanlal Shrivastav  
Age 57 years, Occu – Business,  
R/o Brahmin Galli, Killa Road,  
Udgir, Tq. Udgir, Dist. Latur. ... Appellant

Versus

1. The State of Maharashtra  
Through Police Inspector,  
Police Station, Udgir Rural,  
Dist. Latur.
2. XYZ ... Respondent

.....  
Mr. Nikhilesh K. Tungar, Advocate for the Appellant.  
Mr. S. J. Salgare, APP for Respondent No.1-State.  
Ms. Sabahat T. Kazi, Advocate for Respondent No.2 (appointed)  
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**CORAM : SMT. VIBHA KANKANWADI AND  
ABHAY S. WAGHWASE, JJ.**

**DATED : 11 JULY 2023**

**ORDER [ABHAY S. WAGHWASE, J.] :**

1. Vide instant proceedings, apprehending arrest at the hands of Udgir Rural Police Station, Taluka Udgir, District Latur in connection with crime no. 205 of 2023 registered for the offence punishable under Sections 376, 323, 504, 506 of the Indian Penal Code [IPC] and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [Atrocities Act], the appellant by invoking Section 14-A(2) of the Atrocities Act, is seeking anticipatory bail. His application for anticipatory bail bearing Criminal Bail Application No. 110 of 2023 has been rejected by learned Additional Sessions Judge-1, Udgir, District Latur vide order dated 05.05.2023.

2. Victim approached Udgir Rural Police station on 03.04.2023 informing that she is married and had children and according to her, since last one year, present appellant used to force himself on her after threatening to kill her children. He allegedly video-graphed sexual harassment and threatened to make it viral on internet. Out of fear of being defamed, she did not inform anyone. On 28.03.2023 also, around 11.00 p.m., under the influence of liquor the appellant entered her house and tried to force himself on her and therefore, finally getting fed up of the same, she resisted. That time, accused abused her with caste reference and hence she mustered courage to approach police and lodged report, on the strength of which, above crime came to be registered.

3. In favour of relief, learned Advocate for the appellant would submit that it is apparently a false implication. That, victim is a grown

up lady. She and accused appellant are acquainted since long and such aspect is explicit from the FIR itself. That, there was no forcible act. That it is sheer attempt to blackmail appellant to extort money. That the appellant is ready to abide all conditions and even undertakes to support prosecution as and when required. Consequently, it is prayed that relief as prayed be granted.

4. Strongly opposing the above proceedings, learned APP would submit that offence is serious. There are allegations of threatening and seeking sexual favours. Informant had narrated as to when such instances took place in the FIR. That, appellant has also allegedly captured so-called sexual encounters in his mobile and he made use of the same for repeatedly forcing himself on the victim. It is pointed out that on 28.03.2023 also, in the night at odd hours, under the influence of liquor the appellant threatened and abused the victim and moreover, there was abusive caste utterance. Therefore, provisions of the Atrocities Act are also attracted and hence, according to learned APP, appellant is not entitled for relief in view of the statutory bar.

5. We had appointed a counsel to represent the informant. She has strongly opposed by pointing out that accusations are serious.

That, appellant is likely to misuse the liberty and therefore, he does not deserve the relief as prayed.

6. We have heard both sides. We have also gone through the papers brought to our notice by learned APP. It seems that victim is a mother of two children. The sum and substance of her report is that since one year, accused forced himself on victim and sexually abused her by issuing threats. There are allegations of video-graphing some encounters in his mobile and he was allegedly threatening victim to make it viral. According to the informant victim, on 28.03.2023 at around 11.00 p.m. also, accused entered the house of victim and at such time, he was said to be under the influence of liquor. When victim resisted, he abused her. Informant has stated that she was abused in filthy language by making use of words with reference to her caste. Apart from her statement, papers placed before us by learned APP go to show that statements of neighbouring witnesses are also recorded. These statements also indicate that in their presence accused abused victim, more particularly by referring to her caste. In our opinion, taking such material into consideration, Section 3(1)(r) of the Atrocities Act is *prima facie* attracted. Resultantly, with such accusations, we are convinced that appellant does not deserve relief as prayed. We do not find any illegality in rejection of bail application

under Section 438 of the Cr.P.C. by learned Special Judge-cum Additional Sessions Judge-1, Udgir on the ground that it is barred under Sections 14 and 14-A of the Atrocities Act. We also wish to note that the FIR in question is dated 03.04.2023 and surprisingly the present appeal for anticipatory bail is filed before this Court on 15.05.2023. This indicates that the appellant is evading arrest and therefore, now it does not lie in his mouth that he is ready to co-operate in the investigation. In the light of nature of accusations, we are not at all inclined to grant relief as prayed and hence, the appeal is hereby rejected.

7. We quantify the fees of the appointed Advocate at Rs. 5,000/- [Rupees five thousand only] to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

**[ABHAY S. WAGHWASE, J.]**

**[SMT. VIBHA KANKANWADI, J.]**