

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 604 OF 2023

Umesh Laxman Bhoi and Ors. ...Appellants

vs.

The State of Maharashtra and Anr. ...Respondents

Mr. Ranjeet M. Pawar - Advocate for the Appellant

Mr. S. R. Agarkar - APP for the Respondent-State

Mr. Piyush Toshniwal - Appointed Advocate for Respondent No.
2

CORAM : S. M. MODAK, J.

DATE : 06th DECEMBER, 2023

P. C. :-

1. Heard learned Advocate for Appellants-accused nos. 2, 3 and 4, learned APP and learned Advocate for Respondent No. 2.

2. The Division bench of this Court on 12/06/2023 has granted interim protection from arrest to these Appellants. Now charge-sheet is filed against all these Appellants. The present Appellants are the relatives of the accused no. 1. The allegation is in two parts :-

(a) Is about the allegation for the offence punishable under Section 376 of the Indian Penal Code and another is under

the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act;

(b) The incident wherein these Appellants were involved took place on 31/03/2023 at about 7.30 p.m.. The first informant and accused no. 1 were knowing each other and they were in relation is the allegation.

3. The accused no. 1 took the first informant in tin shed at Village Medad, Taluka Baramati. Other persons came there including Appellants came and Appellants that is Appellant Nos. 1 and 2 abused her on account of caste. The contention is that there are no eye witnesses and the statement of the independent witnesses by name Sonaji P. Yadav, on page no. 54 and Tejas N. Kadam, on page no. 55, got information about the incident from the victim only.

4. The contention is that ingredients of the Section 3(1)(r) and Section 3(1)(s) are not satisfied. It is not within the public view and Section 3(1)(w)(i) may not be applicable to this Appellants. Investigation is also completed. Custodial interrogation is not required. When matter was before the trial Court, the investigation was going on.

5. In view of that following order is passed:-

ORDER

- (a) Appeal is allowed.
 - (b) Order dated 08/05/2023 passed by learned Sessions Judge, Baramati is set aside.
 - (c) Order passed by this Court on 12/06/2023 is confirmed.
 - (d) Appellants not to threaten prosecution witnesses.
- 6.** Learned appointed Advocate for the Respondent No. 2 be paid fees as per the Rules.

[S. M. MODAK, J.]