



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

CRIMINAL APPEAL NO.162 OF 2023

Shankar Shriram Rokade Vs. State of Maharashtra and another

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

Court's or Judge's orders.

Shri D.S. Khushlani, Advocate for appellant.
Shri M.J. Khan, APP for respondent no.1 /State.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 05, 2023.

Heard. Admit. With the consent of parties taken up
for final hearing.

2. The application of the appellant having been rejected by the learned Additional Sessions Judge, Achalpur by its order dated 24.02.2023 in connection with Crime No.43/2023 registered with Police Station, Yeoda for the offences punishable under Sections 354, 354(A) of the Indian Penal Code and Section 3(1)(w)(i), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), the present appeal came to be filed.

3. Heard learned counsel for the appellant as well as learned APP for the respondent no.1/State. Learned APP submitted that though the respondent no.1 has intimated the victim about this proceedings and date, but she did

not remain present.

4. The accusation against the present appellant is that on 18.02.2023 at about 05.30 a.m. the informant asked the appellant for cow dung from his cattle shed. The informant collected the cow dung in bucket and when she was returning the home, that time appellant caught hold her hand and touches below the waist pushing her buttocks. The informant resisted the act of appellant and slapped him. Thereafter, on the complaint, the aforesaid offence came to be lodged against the appellant. The application for anticipatory bail filed by the appellant came to be rejected. Hence, present appeal is filed.

5. Having heard learned counsel for the appellant and learned APP for the State. After going through the reply, it transpire that in the reply a categorical statement has been made that custodial interrogation of the appellant is not necessary. Therefore, this Court protected the appellant by way of interim protection with directions to attend the Police Station on thrice. It is common ground that the appellant has attended the Police Station as per order dated 13.04.2023. It is now reported that charge-sheet has been filed. On instruction the learned APP submits that investigating officer is not going to arrest the appellant.

6. Considering the aforesaid statement and the fact that charge-sheet has already been filed, it appears that there is no apprehension of arrest. Therefore, the appeal becomes infructuous since apprehension of arrest does not survive. Accordingly, the appeal is disposed of as infructuous.

JUDGE

Wagh