



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 CRIMINAL APPEAL NO. 256 OF 2024

Santosh Kashiram Chopade

VERSUS

The State of Maharashtra and others

...

Advocate for Appellant : Mr. Shinde Dhananjay M.

APP for Respondent Nos. 1 and 2: Mrs. M.L. Sangit

Advocate for Respondent No.3: Mr. A.R. Dhore h/f Mr. Arvind G. Jadhav

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CORAM : SHIVKUMAR DIGE, J.

DATED : 21st AUGUST, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 29.02.2024 passed by the Additional Sessions Judge-3, Hingoli in Criminal Bail Application No.91 of 2024 filed in pursuance of crime No. 78 of 2024 registered with Sengaon police station, district Hingoli for the offences punishable under sections 323, 504, 506, 34 of I.P.C. and Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the prosecution's case that the appellant and the informant are in relationship since last 10 years and out of the said relationship, the informant has got one daughter from the appellant. It is alleged that the appellant had physical relationship with the informant on the

promise of marriage but he was not performing the marriage. It is alleged that the appellant has taken loan in the name of the informant and he was not making repayment of the said loan amount. When the informant had been to the house of the appellant and asked him for repayment of the said loan amount, the appellant and co-accused assaulted the informant with fist and kick blows and abused her on caste.

3. It is the contention of the learned counsel for the appellant that the appellant and the informant are staying together for 10 years. They have got one girl out of the said relationship. For a period of 10 years, the informant never complained that the appellant abused her on caste. She has not made complaint under Section 376 of I.P.C. Only to harass the appellant, the present crime is registered against him. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.3 that the appellant and co-accused abused the informant on her caste and assaulted the informant with fist and kick blows. Considering the allegations against the appellant, his custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R., Police papers and the impugned order passed by the Special Court. The allegations against the appellant are that he abused the informant on her caste and beaten her with fist and kick blows. It appears that the alleged incident of abuse on caste is occurred in the house and it was not in public view. Moreover, the appellant and informant are staying together since last 10 years and they have child from their relationship. Considering these facts, the custodial interrogation of the appellant is not required and I pass the following order:-

ORDER

(I) The appeal is allowed.

(II) The order dated 29.02.2024 passed by the Additional Sessions Judge-3, Hingoli in Criminal Bail Application No.91 of 2024 is quashed and set aside.

(III) The interim anticipatory bail granted to the appellant vide order dated 14.03.2024 stands confirmed on the same terms and conditions with following modification:-

- (a) the appellant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/