



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

6 CRIMINAL APPEAL NO. 308 OF 2024

SHRIKANT S/O KASHINATH RANSING
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellant : Mr. Wakale Vijay Shivaji
APP for Respondent/State : Mr.P.K. Lakhotiya
Advocate for Respondent no.3 : Ms.Sonawane Sunita G.

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 24th June, 2024.

P.C.:

1. The appellant apprehends arrest in connection with FIR No.0019 of 2024 registered with Rahuri Police Station, Dist. Ahmednagar, for the offence punishable under sections 354-D, 324, 323, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 3(1)(w)(i) and section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (For short, "Atrocities Act").
2. It is the prosecution's case that the complainant lodged the report to the police on 8th January, 2024 alleging that on 7th January, 2024 at about 9.30 p.m. when she was visiting her cousin brother in the hospital, the appellant came on motorcycle and asked the complainant why she told to her brother about his calls and messages. When the complainant told her that as he is harassing her by making calls and messages, hence she had informed her brother, at that time, the complainant was taking out the mobile from her pocket to call her

brother. It is alleged that at that time, the appellant caught hold the hand of the complainant. The complainant called her brother and told her about the act of appellant. The brother of the complainant Kunal came at incident spot and confronted with the appellant. The appellant caught hold the brother of the complainant, abused him and assaulted him with fist and blows. He took out iron rod attached to his motorcycle and assaulted on his head. Thereafter, the appellant threatened the complainant and her brother and ran away. Initially offence under sections 354-D, 324, 323, 504, 506 of the Indian Penal Code was registered against the applicant. Thereafter, the relatives of the complainant filed complaint to the Superintendent of Police on 8th January, 2024 alleging that the appellant had abused the complainant on her caste. On that count, on the said complaint, the offence punishable under sections 3(1)(w)(i) and 3(2)(va) of the Atrocities Act was added against the appellant.

3. It is contention of the learned counsel for the appellant that the appellant had friendship with the complainant. The appellant never uttered any remark on the caste of the complainant. The complaint to the Superintendent of Police was not filed by the complainant or her father, but it was filed by the complainant's relative. The complainant's supplementary statement was recorded after four days of the incident. It shows that the appellant has falsely implicated under the provisions of Atrocities Act. The appellant is student. The offences registered

against the appellant areailable except the provisions under the Atrocities Act. The appellant undertakes not to enter in Rahuri Taluka. Hence, he requested to allow the appeal.

4. It is contention of the learned APP that the appellant had assaulted the complainant's brother. He had caught hold the hands of the complainant. The appellant has abused the complainant on her caste. Initially the police had not registered the offence under the Atrocities Act against the appellant. Hence the application was given to the Superintendent of Police. On the directions of Superintendent of Police, the offence under the provisions of Atrocities Act are registered against the appellant. The brother of the complainant has sustained injuries on his head. Hence there is prima facie case against the appellant. Hence he requested to reject the appeal.

5. The learned counsel for the respondent no.3 supported the contentions of the learned APP.

6. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

7. It appears from the F.I.R. that incident had happened on 7th January, 2024 around 9.30 p.m. The complainant has lodged the report about the incident on 8th January, 2024 to the police. In the said complaint, the complainant has not mentioned that the appellant had abused her on her caste. On the same day, the relatives of the complainant filed complaint to the Superintendent of Police alleging

that the appellant had abused the complainant on her caste. This complaint is not filed by the complainant or her father. Complainant's supplementary statement is recorded by the police on 11th January, 2024 i.e. after four days of the incident. In the said statement, the complainant has alleged that the appellant had abused her on her caste. The offence registered against the appellant are bailable except the offence registered under the Atrocities Act. As in initial complaint, the complainant has not stated about the allegations under the Atrocities Act, the complaint to the Superintendent of Police is not filed by the complainant or her father. Considering these grounds, custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) In the event of arrest of the appellant in connection with FIR No.0019 of 2024 registered with Rahuri Police Station, Dist. Ahmednagar, for the offence punishable under sections 354-D, 324, 323, 504, 506 of the Indian Penal Code and sections 3(1)(w)(i) and section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-
 - (a) the appellant shall attend the concerned police station as and

when required by the Investigating Officer.

(b) The appellant shall not enter in Rahuri Taluka till recording of evidence of the complainant except attendance to the police station as and when required by the Investigating Officer and for attending the Court dates.

[SHIVKUMAR DIGE, J.]

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