



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CRIMINAL APPEAL NO. 501 OF 2024

Balu @ Sunil Dada Darekar

VERSUS

The State of Maharashtra and others

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Advocate for Appellant : Mr. Dhanraj S. Ingole

APP for Respondent Nos. 1 and 2: Mr. N.B. Patil

Advocate for Respondent No.3 : Mr. Ajit B. Chormal

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CORAM : SHIVKUMAR DIGE, J.

DATED : 16th JULY, 2024.

PER COURT :-

1. The appellant apprehends arrest in connection with crime No. 483 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offences punishable under Sections 354, 452, 504, 506 r.w. 34 of I.P.C. and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is the prosecution's case that the informant is belonging to Scheduled tribe community. The appellant is belonging to upper caste and he is having knowledge that the informant is belonging to scheduled tribe. It is alleged that on 2.5.2024, the appellant entered in the house of the informant and demanded water. When the informant was providing him water, the appellant came from her back

side and hugged her. The appellant knocked the informant down. He sat on the person of the informant and pressed her chest. When the informant shouted, the appellant abused her on her caste and thrown the amount on her person. He again abused the informant on her caste. It is alleged that the appellant threatened to kill the informant if she discloses the said incident to anybody. In the evening the informant went for pilgrimage for some days and after returning from the pilgrimage, she told the incident to her husband and lodged the report against the appellant.

3. It is the contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. There is four days delay in lodging the complaint. The alleged offence is happened in the house of the informant, which was not in public view. Considering the allegations against the appellant, his custodial interrogation is not required and he requested to allow the appeal.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.3 that the appellant had barged in the house of the informant. He outraged the modesty of the informant and abused her on her caste. The appellant is influential person. If he is released on bail, he will pressurize the prosecution witnesses. Hence requested to reject the appeal.

5. I have heard all the learned counsel. Perused the order passed by the learned Sessions Judge. There is four days delay in lodging the F.I.R. The appellant has not informed about the incident to her family members nor her husband on the same day. The incident is happened in the house of the informant. Considering this fact, 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 22.05.2024 passed by the learned Additional Sessions Judge, Shrigonda, district Ahmednagar in Criminal Bail Application No. 313 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with crime No. 483 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offences punishable under Sections 354, 452, 504, 506 r.w. 34 of I.P.C. and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following condition :-

- (a) the appellant shall attend the concerned police station as and when required by the Investigating Officer.
- (b) the appellant shall not enter in village Hiradgaon, Tq. Shrigonda, District Ahmednagar till filing of the charge sheet.

(SHIVKUMAR DIGE, J.)

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