



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 607 OF 2024

Rahul Mahadev Dongare

VERSUS

The State Of Maharashtra And Another

- Mr. S. S. Thombre, Advocate for the Appellant
- Mr. C. V. Badane, APP for the Respondent/State
- Ms. M. S. Deshmukh, Advocate for the Respondent No. 2 (appointed)

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. This appeal is filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'Atrocities Act') challenging order dated 01.07.2024 passed by learned Additional Sessions Judge, Kaij, Dist. Beed in Criminal Bail Application No. 158/2024 rejecting application for anticipatory bail in connection with Crime No. 335/2024 registered with Kaij Police Station, Dist. Beed for the offences punishable under Sections 376, 376(2)(n), 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(2)(v) of the Atrocities Act.

2. Learned Counsel for the Appellant has drawn attention of the Court to the FIR wherein it is specifically stated that there was a friendship between the Appellant and Respondent No. 2 which further culminated into a love affair. It is his submission that though it is alleged that there was forcible physical relationship established by the Appellant with Respondent No. 2, there is no substance therein. It is submitted that merely because the relationship went sour subsequently, offence has been registered against him. There are no criminal antecedents against Appellant.

3. Learned APP and learned appointed Counsel for Respondent No. 2 opposed the Appeal on the ground that this is a case of establishment of the forcible physical relationship on false promise of marriage. It is specifically contended that the offence of rape so also offence under the Atrocities Act has been made out against the Appellant.

4. Perusal of the FIR itself indicates that the Respondent No. 2 is major and married. If it is the

contention of the Respondent No.1 that there was false promise of marriage, undisputedly she could not have married the Appellant, being a married lady and her marriage was not dissolved. In the FIR, there is no mention about the same. On the face of it, this Court find that it could be a case of consensual physical relationship between two adult persons. The possibility of false implication, therefore, is not ruled out. Appropriate direction to the Appellant to appear before the investigation officer and cooperate in the investigation will be sufficient for proper investigation of the case. Hence, Appeal stands allowed by confirming interim order dated 23.08.2024. The Appellant is directed to appear before the investigating officer once in fortnight till filing of the charge-sheet.

5. The fees of learned appointed Counsel is quantified at Rs. 6,000/- (Rupees Six Thousand Only) to be paid by Legal Aid Services Authority, Aurangabad.

(R.M. JOSHI, J.)