



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 CRIMINAL APPEAL NO. 618 OF 2024

Rahul Kisan Phale

VERSUS

The State of Maharashtra and others

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Advocate for Appellant : Mr. Sudarshan J. Salunke

APP for Respondent Nos. 1 and 2: Mr. P.K. Lakhotiya

Advocate for Respondent No.3 : Ms. Shilpa Aurangabadkar
(appointed)

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CORAM : SHIVKUMAR DIGE, J.

DATED : 5th AUGUST, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 29.06.2024 passed by the Additional Sessions Judge, Gangakhed, district Parbhani in Criminal Bail Application No.163 of 2024 filed in pursuance of FIR No. 178 of 2024 registered with Sonpeth Police Station, district Parbhani, for the offences punishable under sections 354-D, 509, 506 of I.P.C. and sections 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the prosecution case that on 14.6.2024, around 2.00 midnight (a.m.), when the husband of the informant was not present in the house, someone knocked the door of the house of the

informant. When the informant asked who is there, at that time, the appellant told his name to the informant and asked her to open the door. When the informant told him that she will not open the door, then it is alleged that the appellant kicked on the door and opened it. He also cut the electric wire. When the informant opened the door the appellant was sitting in the door. When the informant asked him for what did he come there, then the appellant told her that he came there to see her and he will not move from that place. Thereafter, the informant closed the door. It is alleged that again the appellant kicked on the door. Thereafter, the appellant went away at about 4.30 a.m. At the time of going, he threatened the informant. It is alleged that earlier also the appellant had committed similar act when the informant's husband had been to his work.

3. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. From the contents of F.I.R. it does not show that the appellant had outraged the modesty of the informant or abused her on caste. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

4. It is contention of learned APP alongwith learned counsel for the respondent No.3 that the appellant had gone to the house of the

informant at midnight when her husband was not present in the house. The appellant kicked on the door of the house of the informant at such odd time and forced her to open the door. Learned A.P.P. further submitted that the appellant was aware that the victim belongs to S.C. category and inspite of knowing the same, he committed the said offence. Learned A.P.P. further submitted that as per Section 3 of the Atrocities Act, knowingly committing any act is an offence. Learned A.P.P. further submitted that earlier also the appellant had committed the similar act and if he is released on bail, he may pressurize the informant and prosecution witnesses, hence requested to reject the appeal.

5. I have heard all the learned counsel. Perused the impugned order passed by the trial Court, F.I.R. and the police papers produced on record. The allegations against the appellant are that he went to the house of the informant, kicked on the door of the house of the informant and forced her to open the door. In the F.I.R. it is not mentioned that the appellant abused the informant on her caste. Considering the allegations against the appellant, his custodial interrogation is not required and I pass the following order:-

ORDER

- (i) The appeal is allowed.

(ii) The order dated 29.06.2024 passed by the Additional Sessions Judge, Gangakhed, district Parbhani in Criminal Bail Application No.163 of 2024 is quashed and set aside.

(iii) In the event of arrest, the appellant in connection with FIR No. 178 of 2024 registered with Sonpeth Police Station, district Parbhani, for the offences punishable under sections 354-D, 509, 506 of I.P.C. and sections 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be released on executing personal bond in the sum of Rs.15,000/- 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 the village or the area where the informant stays till filing of the charge sheet.

6. Since Ms. Shilpa Aurangabadkar, is appointed to represent the respondent No.3, her legal fees and expenses is quantified at Rs.10,000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SHIVKUMAR DIGE, J.)