



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

915 CRIMINAL APPEAL NO. 748 OF 2024

SANDIP KISAN KAPSE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. Bhosale Aniket Deepak

APP for Respondent/State : Mr.S.B. Narwade

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 6th September, 2024.

P.C.:

1. This appeal is preferred against the order dated 8th August, 2024 passed by the Additional Sessions Judge, Shrigonda, Dist.Ahmednagar in Criminal Bail Application in Special Case No.75 of 2024 filed in pursuance of the F.I.R. No. 20 of 2024 registered with Jamkhed Police Station, Dist. Ahmednagar, for the offences punishable under sections 376(1)(n) and 506 of the Indian Penal Code (For short, "IPC") and sections 3(2)(va), 3(2)(v-a), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is prosecution's case that the informant is sugarcane worker and the applicant is tractor driver. On 19th January, 2024 at around 10:00 p.m., when the informant had gone to fetch the water, at that time, the appellant sexually assaulted her.
3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this crime. He is behind bar more than two months. Investigation is completed. Charge-sheet has

been filed. The appellant is Karta of his family. It may take time to conclude the trial. The matter is settled between the parties and requested to allow the appeal.

4. It is contention of the learned APP that the appellant sexually assaulted the informant when she had gone to fetch water. She is sugarcane labour. Though the matter is settled but due to complaint of appellant, the police machinery has set in motion. If the appellant is released on bail, the appellant may threaten the prosecution witnesses and requested to dismiss the appeal.

5. The learned counsel for respondent no.2 submits that respondent no.2 has no objection to allow the appeal of the appellant as respondent no.2 had filed complaint against the appellant due to misunderstanding.

6. I have heard all the learned counsel. Perused the charge-sheet and the impugned order passed by the Special Court.

7. The appellant is behind bar more than two months. Investigation is completed. Charge-sheet has been filed against the appellant. The informant has no objection to allow the appeal. It may take time to conclude the trial. The appellant is Karta of the family. Considering these aspects, the further detention of the appellant is not required and I pass the following order :-

ORDER

(i) The appeal is allowed.

(ii) The order dated 8th August, 2024 passed by the Additional Sessions Judge, Shrigonda, Dist. Ahmednagar in Criminal Bail Application in Special Case No.75 of 2024 is quashed and set aside.

(iii) The appellant in connection with F.I.R. No. 20 of 2024 registered with Jamkhed Police Station, Dist. Ahmednagar, for the offences punishable under sections 376(1)(n) and 506 of the Indian Penal Code and sections 3(2)(va), 3(2)(v-a), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 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 not pressurize the prosecution witnesses and shall not tamper the prosecution evidence.

[SHIVKUMAR DIGE, J.]

sga