



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

38 CRIMINAL APPEAL NO. 776 OF 2024

PRAVIN ARUN KOHAK THROUGH PREM ARUN KOHAK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellant : Mr. Shubham Dattatraya Jayabhar
APP for Respondent/State : Mr.S.B. Narwade
Advocate for respondent no.3 : Mr. Amol Pawar (appointed)

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

DATE : 18th September, 2024.

P.C.:

1. This appeal is preferred against the order dated 24th July, 2024 passed below Exhibit-4 by the Additional Sessions Judge, Court No.5 at Ahmednagar in Criminal Bail Application No.872 of 2024 filed in pursuance of the F.I.R. No.275 of 2024 registered with Kotwali Police Station, Dist. Ahmednagar, for the offences punishable under sections 354, 354-D, 509, 324, 323, 504 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that the appellant had friendly relations with the informant. Thereafter there was dispute between them 8 days prior to the incident. There was break up in their relation. It is alleged that on 3rd March, 2024 around 9:58 p.m., when the informant was present in her home, at that time the appellant called her from window.

When she opened the window, the appellant pulled up her right hand and abused her. It is alleged that informant rescued her hand from the clutches of the appellant and informed about the incident to mother of the appellant by calling her on her mobile. It is alleged that on 4th March, 2024 at around 8:45 a.m., the appellant's mother and his brother's wife came to the informant's house and they beaten up informant's father. It is alleged that appellant's mother bit to little figure of the informant's father and when informant tried to resolve the dispute, the appellant's mother bit on the wrist of right hand of the informant.

3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. There are no allegations against the appellant that he abused on the caste of the informant. The allegations are against the co-accused. The allegations against the appellant are that he pulled hand of the informant and abused her. The appellant works in Army. Considering the allegations against the appellant, the custodial interrogation of the appellant is not required and requested to allow the appeal.

4. It is contention of the learned APP along with the learned counsel for respondent no.3 that the appellant went to the house of the informant. He called her. When she opened the window, he pulled her hand and abused her. The learned APP further submitted that when the informant informed the incident to the appellant's mother, she and

her daughter in law came to the house of the informant and abused the informant and her family members on caste and mother of the applicant bit on the hand of the informant's father and informant. Both the informant and his father have sustained bite injuries, it shows involvement of the applicant and co-accused in the crime and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the impugned order passed by the Special Court and police papers produced on record.

6. The allegations against the appellant are that he had been to the house of informant and called her. When she opened the window, he pulled her hand and abused to the informant. There are no allegations against the appellant that he abused informant on her caste. All the allegations are against the co-accused. Considering these facts, custodial interrogation of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 24th July, 2024 passed below Exhibit-4 by the Additional Sessions Judge, Court No.5 at Ahmednagar in Criminal Bail Application No.872 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with F.I.R. No.275 of 2024 registered with Kotwali Police Station,

Dist.Ahmednagar, for the offences punishable under sections 354, 354-D, 509, 324, 323, 504 read with 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(1)(w)(i) 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 the area where the informant stays.
- (iv) Fees of Rs.10,000/- be paid to Mr. Amol Pawar, learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]