



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 814 OF 2023

RAMDAS RAOSAHEB GAVALI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Rahul R. Karpe, Advocate for Appellant
Mr. S.D. Ghayal, APP for Respondent No.1 - State
Ms. Rashmi Kulkarni, Advocate h/f Mr. Sanket Kulkarni, Advocate for
Respondent No.2

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd JANUARY, 2024

PER COURT :

1. Appellant apprehends arrest in Crime No.677/2023, registered with Shrigonda Police Station, Ahmednagar for offence punishable under Sections 354, 354-A, 354-D of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. FIR is lodged by victim who belongs to Scheduled Caste, alleging that appellant used to chase victim whenever victim used to proceed to college. On 18/07/2023, at about 05:00 p.m. appellant called victim on mobile phone and asked to come on the vehicle sent by him. He threatened that if victim fails to come, he will kill her parents. Victim told this fact to her parents. On 19/07/2023, at about 03:00 p.m. victim along with her parents and uncle

proceeded to lodge complaint at Shrigonda Police Station. When they reached at Shani Chowk, appellant came with his motorcycle and caught hold hand of victim and outraged her modesty. When father and uncle of victim tried to intervene, appellant abused them with filthy language by calling name of their caste. He threatened to kill them and went. On registration of crime appellant filed application bearing Criminal (Bail) M.A. No.533/2023 before the Sessions Court, which is rejected. Hence, present appeal.

3. Heard learned advocate for appellant, learned Additional Public Prosecutor for State and learned advocate for respondent No.2. Perused the investigation papers.

4. Learned advocate for appellant by relying on messages exchanged between appellant and victim submits that there was love relation between appellant and victim, which was not liked by her family members and therefore, appellant is falsely implicated in present crime. He, therefore, submits that no offence as is alleged in FIR has taken place and appellant is innocent and appellant, therefore, may be protected.

5. Learned Additional Public Prosecutor and learned advocate representing respondent No.2, on the other hand, strenuously opposed appeal stating that offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, is clearly made out and therefore, there is bar under Section 18 of the said Act and hence, appeal is liable to be rejected.

6. Appellant is a married person and therefore, it is not possible to accept submission that appellant was in love with victim, who is aged 21 years.

7. Perusal of investigation papers reveal that there are specific allegations in FIR that appellant called name of caste of victim at the time of incident. Since offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is *prima facie* made out from averments made in the FIR, bar under Section 18 of the said Act comes into play and appellant is not entitled for anticipatory bail in present matter. Appeal being devoid of merit is, therefore, rejected.

8. At this stage, learned advocate for appellant submits that interim protection granted to appellant may be extended for a period of two weeks. For the reasons stated in this order, said prayer is rejected. Interim protection granted to appellant stands vacated.

(NITIN B. SURYAWANSHI, J.)