



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.822 OF 2023

Amit Sidriya More

... Appellant

VERSUS

The State of Maharashtra
and another

... Respondents

.....
Mr. Joslyn A. Menezes h/f Mr. P.S. Paranjape, Advocate for
Appellant
Mr. A.R. Kale, APP for Respondent No.1 – State
Mr. A.E. Madne, Advocate (appointed) for Respondent No.2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th JANUARY, 2024

ORDER :

1. Appellant apprehends arrest in connection with Crime No. 323 of 2023 registered with Tuljapur Police Station, District O'bad for offence punishable under sections 354-A, 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. By this appeal filed under section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant challenges the impugned order passed by

Special Judge, Osmanabad, in Miscellaneous Criminal Bail Application No. 493 of 2023, thereby rejecting anticipatory bail application filed by appellant.

3. FIR is lodged by Sujata Koli alleging that commission of offence under section 354 of the Indian Penal Code against appellant. It is alleged that appellant caught hold of right hand of informant and asked her to accompany him to lodge and also outraged her modesty is also alleged in the FIR. Informant was working in the same company where appellant is Divisional Manager.

4. Heard learned advocate for appellant, learned APP for respondent No.1- State and learned advocate for respondent No.2 – Informant.

5. Learned APP as well as learned advocate for respondent No.2 strenuously opposed the appeal stating that there is bar under Section 18 of the Scheduled Castes Schedule Tribe (Prevention of Atrocities) Act, and therefore, appellant does not deserve relief of anticipatory bail.

6. It appears from record that informant had tendered her resignation on 02.06.2023 alleging that appellant and one Iqbal Dastgir harassed her. Her resignation is accepted on

24.07.2023. Thereafter, on 29.07.2023 informant sought to withdraw resignation tendered by her. However, she was informed that her resignation is already accepted on 24.07.2023, and 31.07.2023 is her last working day.

7. In the FIR, informant has stated that the incident of outraging of modesty by appellant was witnessed by two persons namely Shantilal Avchare and Suresh Dhondiba Chaudhary. Statements of Suresh Chaudhary and and Bharat Shantilal Avcgare are recorded during investigation, wherein they have stated that they saw one unknown person was holding informant's right hand and he was pointing towards agricultural field. They have not supported the version of informant about outraging her modesty by pressing her breast.

8. Statement of HR Manager is recorded in the investigation. He has stated that on inquiry informant had disclosed that appellant does not call her madam and calls her by her first name, at some times appellant calls her after 8.00 p.m. in the night, in respect of official work.

9. It is the case of appellant that since informant was not performing well, she was sought to be transferred and she did not want the transfer.

10. Considering the investigation papers, and the background facts, false implication of appellant cannot be ruled out at this stage. There is delay about 3 months in lodging FIR. *Prima facie* there appears strong possibility of *mala fide* implication of appellant in the present crime. Nothing is to be recovered from appellant. Investigation appears to be on the verge of completion.

11. The appeal is therefore allowed by confirming interim protection granted by order dated 13.09.2023.

12. Till filing of charge sheet, appellant shall attend the concerned police station as and when called by the Investigating Officer.

13. Appellant shall not, in any manner trying to contact the informant, influence the prosecution witnesses and/or tamper prosecution evidence.

14. High Court Legal Aid Services Sub Committee, Aurangabad to pay the fees of learned advocate Mr. A.E. Madne representing respondent No.2, as per schedule, within four weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane