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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.915 OF 2023

Shradha Nilesh Jadhav

APPELLANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. M. L. Dharashive, Advocate for the appellant

Mr. N. B. Patil, APP for respondent - State

Mr. R. P. Cheble, Advocate for respondent No.2 (appointed)

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JANUARY, 2024

ORDER :

1. Appellant apprehends arrest in Crime No. 448 of 2023 registered with Gandhi Chowk Police Station, Latur for offence punishable under section 452, 323, 504 of Indian Penal Code and under section 3 (1) (R) (S) of Scheduled Caste Scheduled Tribes (Prevention of Atrocities) Act.

2. FIR is lodged by Vishranti w/o Vikas Randive alleging that, on 12th September, 2023, at about 4.15 p.m. her neighbour - appellant came to her home on a scooty and inquired with her whereabouts of her mother in law. At that time, appellant abused informant by uttering derogatory words for her caste.

Interim Bail Application filed by appellant is rejected by Sessions Court. Hence, the present appeal.

3. Appellant claims that she is innocent and no such incident, as alleged by informant, has taken place. She is studying in 3rd year new law course at Udgir.

4. Heard learned advocate for appellant, learned APP for State and learned advocate appointed for respondent No.2. Perused the papers of investigation papers.

5. Learned advocate for informant and learned APP, on the other hand, opposed the appeal.

6. *Prima facie*, it appears that there was no motive on the part of appellant to go and abuse the informant. Nature of alleged dispute between mother in law of informant and the present appellant has not come on record in the investigation. False implication, therefore, cannot be ruled out at this stage.

7. Appellant was granted interim protection and she has co-operated in the investigation. Charge sheet is filed in the present matter on 30th October, 2023 and Special Case No. 140 of 2023 is registered.

8. Perusal of charge sheet shows that allegations of informant

are supported by her husband and close relative. It is not clear from investigation as to what was the real dispute between mother in law of informant and appellant, for which appellant allegedly went to the house of informant and abuse her by using derogatory words for her caste.

9. In view of filing of charge sheet, registration of special case and as nothing is to be recovered from appellant, her custodial detention is not necessary in the peculiar facts of the present case.

10. Appeal is, therefore, allowed by confirming interim protection granted to appellant vide order dated 16th October, 2023

11. Appellant shall not tamper prosecution evidence and shall attend trial regularly.

12. Legal Aid Services Sub Committee, High Court, Aurangabad to pay fees of learned advocate appointed for respondent No.2, as per rules, within four weeks.

[NITIN B. SURYAWANSHI]
JUDGE