



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 1198 OF 2023

Manoj S/o Lalasaheb Supekar

....Appellant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. N.B. Narwade, Advocate for appellant

Mr. C.V. Bhadane, APP for State

Ms. Sunita G. Sonawane, Advocate for respondent No. 2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 06th MAY, 2024

ORDER :

1. This appeal filed under section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, takes exception to order dated 29.11.2023, passed by learned Additional Sessions Judge, Shrigonda, Dist. Ahmednagar, below Exhibit-2 in Special Case No. 156/2023, thereby rejecting bail application of appellant.

2. Respondent No. 2/prosecutrix lodged FIR alleging that her husband expired in Covid-19 period and thereafter she was serving as nurse at Somwanshi Hospital, Shrigonda. She got acquainted with appellant as appellant was running a photo

studio and she wanted a photo for one of the programs. She therefore went to the shop of appellant and appellant clicked her photo. Appellant also took her cell phone number and started sending her messages like good morning etc. Thereafter, appellant called her at a hotel, where he administered intoxicating substance in cold drink, due to which she lost her consciousness. When she regained her consciousness, she realized that she was lying naked next to appellant. She then fought with appellant, but he showed her a video of their physical act and threatened her not to disclose said incident to anybody. Thereafter, under the threats of said video, appellant several times performed unnatural sex with prosecutrix.

3. On registration of crime, appellant was arrested on 01.08.2023. After filing of charge sheet on 27.10.2023, appellant preferred regular bail application, which is rejected by Sessions Court. Hence, the present appeal.

4. Heard learned advocate for appellant, learned APP for State and learned advocate for respondent No. 2. Perused the record.

5. It is the case of appellant that he had love affair with

prosecutrix and they have performed marriage on 09.10.2023, at Riddhi Siddhi Mangal Karyalay, Alandi Devachi, Taluka- Khed, Dist. Pune. The marriage certificate is part of charge sheet. Prosecutrix and appellant both have also intimated about their marriage to the police inspector.

6. Respondent No. 2/prosecutrix has filed affidavit stating that they have performed marriage and she wants to reside with appellant. Dispute between her and appellant is settled and she has no complaint against him.

7. Considering these peculiar facts and the fact that trial of appellant is not likely to commence and conclude in near future and in view of settlement of dispute between parties, appellant is entitled for bail.

8. In the result, appeal is allowed.

9. Order dated 29.11.2023, passed by Additional Sessions Judge, Shrigonda, Dist. Ahmednagar, below Exhibit-2 in Special Case No. 156/2023, is hereby quashed and set aside.

10. Appellant- Manoj Lalasaheb Supekar be released on bail on executing Personal Bond and Surety Bond of Rs. 15,000/-

with one surety in the like amount in Crime No. 479/2023, registered with Shrigonda Police Station, Dist. Ahmednagar, for offences punishable under Sections 376, 377, 370, 323, 506 of Indian Penal Code and sections 3(1)(w)(i)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 4, 9 of the Immoral Traffic (Prevention) Act.

[NITIN B. SURYAWANSHI, J.]