

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 614 OF 2024

Sangita Sunildatta More

}*Appellant*

: *Versus* :

State of Maharashtra (through

Faujdar Chavdi Police Station

Solapur vide C.R.. No.191/2024)

}*Respondent*

Mr. Ritesh Thobade a/w. Ms. Ankita Rai a/w. Mr. Zubin Ansari,
for the Appellant.

Mr. Ashok R. Metkari, APP for Respondent No.1-State.

Ms. Priyanka Chavan, Advocate appointed for Respondent No.2.

PC, Mr. Pravin S. Ombase, Faujdar Chavdi Police Station present.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 August 2024.

P.C. :

1) This is an Appeal filed under the provisions of Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging the order dated 2 May 2024 passed by the Additional Sessions Judge, Solapur rejecting the application filed by the Appellant for pre-arrest bail under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (**Code**) in connection with Crime No.191/2024

registered with Faujdar Chavdi Polcie Station for the offences punishable under Sections 376, 376(2)(n), 504, 506 read with Section 34 of the India Penal Code and Sections 3(1)(w)(ii), 3(2)(va) of the S.C.S.T. Act.

2) The Appellant is on interim protection granted by this Court vide order dated 25 June 20 24 in which this Court made the following *prima-facie* observations :

2) Appellant is the mother of the first accused against whom there is allegation by the first informant with regard to keeping sexual relationship under promise of marriage as well as while being in live-in-relationship. Apparently, accused No.1 is arrested and released on bail. The role sought to be attributed to the Appellant in the FIR is with regard to the incident of 29 February 2024 during Haldi ceremony of the first accused when first informant questioned purpose of marriage of the first accused with another woman and the Appellant allegedly assaulting and abusing the first informant with reference to her caste.

3) I have heard Mr. Thobade, the learned counsel appearing for the Appellant, Mr. Metkari the learned APP appearing for the Respondent-State and Ms. Chavan the learned Advocate appointed from the panel of legal aid to represent Respondent No.2.

4) As observed in the order dated 25 June 2004, Appellant is the mother of the First Accused. The FIR appears to have been lodged, *prima-facie*, on account of alleged relationship between the Complainant and the First Accused not fructifying into marriage. Though certain utterances are sought to be ascribed to the

Appellant on 29 February 2024, it appears that the Complainant approached the venue at which the First Accused was getting married and possibly attempted to create disturbances in the same. The utterances ascribed to the Appellant possibly arise out of the conduct of the Complainant in attempting to disturb the wedding of the First Accused. The First Accused has already been arrested and released on bail. I do not see any reason why custodial interrogation of his mother is necessary at this stage. Investigations into the crime are already completed and chargesheet has been filed. Considering the peculiar facts and circumstances of the present case, I am of the view that no *prima-facie* case is made out against the Appellant and therefore bar under the provisions of Section 18 of the S.C.S.T. Act would not apply. In that view of the matter, interim protection granted by this Court deserves to be made absolute.

5) Appeal accordingly succeeds and I proceed to pass the following order :

(i) Order dated 2 May 2024 passed by the Additional Sessions Judge, Solapur is set aside.

(ii) Interim protection granted by this Court by order dated 25 June 2024 is made absolute.

(iii) Appellant shall attend each date of hearing unless exempted.

6) The rest of the conditions imposed in the order dated 25 June 2024 shall also continue to apply.

7) With the above directions, the Appeal is **allowed and disposed of.**

NEETA
SHAILESH
SAWANT

[SANDEEP V. MARNE, J.]

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