

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO.656 OF 2024****Pradip Satappa Naik****....Appellant****V/s.****The State of Maharashtra and
Anr.****....Respondents**

Mr. Kuldeep U. Nikam *for the Appellant.***Ms. Rashmi S. Tendulkar**, *APP for Respondent No.1-State.***Mr. Ankur Pahade** *appointed for Respondent / State.*

CORAM : SANDEEP V. MARNE, J.**DATED : 11 November 2024.****P.C. :-**

1) This is an Appeal filed under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging order dated 15 June 2024 passed by the learned Special Judge (Atrocity Act), Sangli, rejecting the application of the Appellant for anticipatory bail under the provisions of Section 438 of the Code of Criminal Procedure in connection with C.R. No.193 of 2024 registered at Miraj(city) Police Station, District-Sangli for the offences punishable under Sections 376(2)(n), 417, 323, 504 and 506 of the Indian Penal Code (**IPC**) and Sections 3(2)(v), 3(1)(w)(ii), 3(1)(w), 3(1)(r) and 3(1)(s) of the SCST Act.

2) Perusal of the FIR statement would prima facie indicate that the Complainant got married on 7 March 2021 and got divorced on

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31 May 2021. The FIR statement alleges that Appellant took the Complainant to his residence on 4 August 2021 and thereafter had forcible sexual relationship with the Complainant for one and half years under the promise of marriage. The FIR statement alleges that the Appellant refused to marry the Complainant and she performed second marriage on 17 December 2023. It appears that till her second marriage on 17 December 2023 the Complainant apparently did not have any grouse against the Appellant. It is the alleged conduct of the Appellant post performance of second marriage, that has triggered the present FIR. The FIR statement alleges that the Appellant was not happy with second marriage of the Complainant and started threatening the Complainant and her relatives by misusing the photographs and material available with him.

3) The Appellant is on interim protection granted by this Court by order dated 9 July 2024. Mr. Nikam, the learned counsel appearing for the Appellant would place copies of three applications dated 22 July 2024 on record, which indicate that the Appellant has interalia produced his mobile phone with the Investigating Officer. In that view of the matter, further custodial interrogation of the Appellant appears to be unnecessary. Therefore, the interim protection granted in favour of the Appellant deserves to be made absolute. I accordingly proceed to pass the following order:-

(a) Order dated 15 June 2024 passed by the learned Special Judge (Atrocity Act), Sangli, is set aside.

(b) Interim protection granted in favour of the Appellant is made absolute subject to the following terms and conditions:-

- (i) The Appellant shall not contact the Complainant or any witnesses associated with the case nor shall tamper with the evidence.
 - (ii) The Appellant shall remain present in the Trial Court on each date of hearing unless exempted from personal appearance.
- 4) With the above directions, the Appeal is allowed and disposed of.

[SANDEEP V. MARNE, J.]