



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

CRIMINAL APPEAL NO. 347 OF 2024

SUSHANT SUNIL PAWAR .. APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

**WITH
CRIMINAL APPEAL NO. 258 OF 2024**

BALASAHEB APPASAHEB PAWAR .. APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Hrishikesh Mundargi i/b Ms.Pravada Raut, for the appellants.
Smt. Sangeeta D. Shinde, APP for the State.
Mr.Mayur Govind Sanap, for Complainant- respondent no.2.
Mr. Santosh Duryodhan Dange, API, Hadapsar police station, Pune present.

CORAM : M. S. KARNIK, J.

DATE : APRIL 12, 2024

ORAL JUDGMENT :

1. Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned APP. The appeals are disposed of by a common order by consent.
2. These are the appeals for quashing and setting aside the impugned orders rejecting the anticipatory bail

applications of the appellants passed by the trial Court in connection with C.R. No. 43 of 2024 dated 08/01/2024 registered with Hadapsar police station, Pune for the offences punishable under sections 376(2)(n), 376-D, 377, 354-C, 506 of the Indian Penal Code, 1860, under sections 3(1)(r)(s), 3(1)(w)(l)(ii), 3(2)(v)(a), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, section 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 1989, section 7(1)(d) of the Protection of Civil Rights Act, 1955.

3. The complainant is a social worker who was running an NGO. She met the appellant- Balasaheb sometime in July 2021. He expressed his desire to help the NGO. The appellant- Balasaheb thereafter started visiting the NGO and became a good friend of the complainant's husband.

4. The date of the incident is 15/01/2023. It is alleged that the complainant wanted to meet her brother at Satara on the occasion of Bhaubij and from there, she was to proceed to Pandharpur for the work related to NGO. The appellant- Balasaheb indicated that as he is going to Pandharpur for some work, he offered the complainant to

travel with him. Accordingly, the complainant with her 9 year old daughter went along with the appellant-Balasaheb in his four wheeler. On the way, the appellant-Balasaheb suggested the complainant that they could go to Pandharpur via Pune as he has house at Pune. The complainant left it to the appellant-Balasaheb to take a call. The appellant-Balasaheb took the complainant to his house at Pune and stayed there. The complainant and her daughter slept in the hall at night. The appellant-Balasaheb slept in the bedroom. On the next date i.e. on 16/01/2023, the appellant-Balasaheb surreptitiously took some obscene videos of the complainant which he used to satisfy his lust and thereby committed an offence under the aforesaid sections. It is thereafter alleged that the appellant by threatening to make the video viral had sexual relations with the complainant on couple of occasions. It is alleged that on 18/11/2023, appellant-Balasaheb insisted that she has sexual relationship with the appellant-co-accused-Sushant Sunil Pawar as well. According to the complainant, the complainant did not mention these incidents to anybody as she was under a threat that the appellant-Balasaheb will

make the video viral to tarnish her reputation. It is then alleged that the complainant gathered courage whereafter she lodged the FIR on 08/01/2024.

5. Prima facie, I find that there is an unexplained delay in lodging the FIR. It is the contention of the learned counsel for the appellants that the relationship between the appellants and the complainant is consensual in nature. Prima facie, on the basis of the materials on record, the possibility of the relationship between the appellant-Balasaheb and the complainant being consensual cannot be ruled out.

6. In this view of the matter, I am inclined to confirm the interim order. Pursuant to the interim order, the appellants have joined the investigation and attended the investigating officer. The mobile phones of the appellants have been handed over to the investigating officer and the same are sent to the forensic department. As of now there is nothing found from the mobile phones which is adverse to the appellants.

7. In the event of arrest of the appellants in connection with FIR No. 43 of 2024 with Hadapsar Police Station, Pune

City, the appellant in Appeal No. 258 of 2024-Balasaheb Appasaheb Pawar and appellant in Appeal No. 347 of 2024 – Sushant Sunil Pawar be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount.

8. The appellants to co-operate with the investigation.

9. I appreciate the valuable assistance rendered by Mr. Mayur Govind Sanap, learned Advocate, who appeared on behalf of respondent No.2 at my request in these proceedings to assist the Court.

10. The appeals are disposed of.

(M. S. KARNIK, J.)