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

CRIMINAL APPEAL NO.135 OF 2024

SHIVAJI RAJARAM NIKAM

..APPELLANT

VS

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Rupesh Zade for the appellant.

Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2024.

P.C. :

1. Heard learned counsel for the appellant.
2. The appellant is the main accused for the offence punishable under Sections 376, 376(D), 294, 354(A), 420, 504, 506, 34 of the Indian Penal Code, under Sections 3(1)(r),(s),(w) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 7(1)(d) of the Protection of Civil Rights Act. The other co-accused are granted pre-arrest bail. However, the accusations are mainly against the present appellant. Apart from the delay in lodging of the FIR as is the contention of learned counsel for the appellant, the

allegations are also, prima facie appear to be vague as there is nothing on record to demonstrate as to when the act which constitutes the aforesaid offence was committed.

3. Issue notice to the respondent no.2, returnable on 07.03.2024. Learned APP waives service of notice on behalf of the State. The Investigating Officer to inform the respondent no. 2 the next date of hearing and that she has a right to be represented by the advocate or through legal aid.

4. The appellant needs to be protected by an interim order in the meantime.

5. In the event of arrest of the appellant, the appellant shall be enlarged on bail on his furnishing P.R. bond of Rs.15,000/- with one or more sureties in the like amount.

6. The appellant shall report to the Investigating Officer of the concerned Police Station as and when called and co-operate with the investigation.

7. Stand over to **07.03.2024.**

(M. S. KARNIK, J.)