

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.144 OF 2024

Ramdas @ Tatya Narayan Kolhe

....Appellant

V/S.

The State of Maharashtra and Anr.

....Respondents

Mr. Viresh Purwant *with Mr. Suraj Gadkari for the Appellant.*

Ms Shilap K. Gajare-Dhumal, *APP for Respondent No.1-State.*

Ms Keral Mehta, *for Respondent No.2(appointed through Legal Aid)*

CORAM : SANDEEP V. MARNE, J.

Dated : 23 July 2024.

P.C. :

1) This is an appeal filed under the provisions of Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging order dated 18 January 2024 passed by the learned Special Judge-1, Barshi, in connection with C.R. No.765 of 2023 registered with Tembhurni Police Station, District-Solapur (rural), for the offences punishable under Sections 143, 147, 148, 323, 324, 354, 376(2)(n), 504, 506 r/w 149 of the IPC and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r), 3(1)(s) and 3(2)(va) of the SCST Act.

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2) I have heard Mr. Purwant, the learned counsel appearing for the Appellant, Ms Mehta, the learned counsel for Respondent No.1 (appointed through Legal Aid Panel) and Ms Gajare-Dhumal, the learned APP for Respondent No.1-State.

3) After having considered the submissions canvassed by the learned counsel for the parties, it is seen that the FIR is mainly directed against Sunil Suresh Chavan and the accusations with regard to offence under Section 376 is also directed against the said accused. It appears that there was love affair between the Complainant and main accused Sunil Suresh Chavan. So far as the present Appellant is concerned, the FIR indicates abusing and assault on the part of the Appellant to the Complainant. Further the FIR is completely silent about the day and the date on which the alleged incident occurred. Though the accusations appear to be of continuous nature, so far as the present Appellant is concerned, the allegations relate only to the alleged abusing and assault committed on a particular day. However, no details of the day on which the incident occurred are reflected in the statement of the Complainant.

4) Appellant is already on interim protection granted by this Court by order dated 13 February 2024, in paragraph No.3 of which this Court has made the following observations:-

3. The relationship that the main accused had with respondent No.2 was not to the liking of the family members. The allegations are vague as to when the alleged incident took place. The possibility of the accusations being exaggerated can not be ruled out in the facts and circumstances of the present case. There are no independent witnesses to the alleged incident of abuse.

5) It appears that charge-sheet has already been filed qua other accused. However, so far as the present Appellant is concerned, the Investigating Officer is contemplating of filing of supplementary charge-sheet. Mr. Purwant, would submit that after grant of interim protection the Appellant has co-operated with investigations by remaining present before the Investigating Officer.

6) In that view of the matter, the interim protection granted in favour of the Appellant deserves to be made absolute. The Appeal accordingly succeed and I proceed to pass following order:-

- i. Order dated 18 January 2024 passed by the learned Special Judge, Barshi, is set aside.
- ii. Interim protection granted in favour of the Appellant by order dated 13 February, 2024 is made absolute.
- iii. The Appellant shall remain present before the Investigating Officer on 29 July 2024 and 30 July 2024 and shall co-operate with completion of the investigations.
- iv. The Appellant shall not contact or pressurize the Complainant or any other witnesses acquainted with the facts of the case and shall not tamper with the evidence either directly or indirectly.
- v. Appellant shall furnish his identity and address proof and of his two blood relatives while furnishing sureties.
- vi. Appellant shall attend Trial Court regularly unless exempted from personal appearance.
- vii. The Appellant shall inform his latest place of residence and mobile contact number immediately after being

released on bail and/or change of residence or mobile details, if any, from time to time to the Trial Court as well as to the concerned Police Station in writing.

viii. If there are two consecutive defaults in appearing before the Trial Court, the prosecution would be at liberty to file an application seeking cancellation of bail.

7) The Appeal is accordingly allowed and disposed of.

[SANDEEP V. MARNE, J.]