

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

CRIMINAL APPEAL NO.197 OF 2024

Yuvraj Vamanrao Shinde

....Appellant

V/S

The State of Maharashtra & Anr.

....Respondents

**WITH
CRIMINAL APPEAL NO.307 OF 2024**

Kajal Youvraj Shinde

....Appellant

V/S

The State of Maharashtra & Anr.

....Respondents

Mr. Anand S. Patil *for the Appellants in both Appeals.*

Ms. Shilpa G. Talhar, APP *for Responden No.1 / State in both Appeals.*

Mr. Suhas B. Rohile *for Respondent No.2 in both Appeals.*

Mr. Subhash Rathod, PSI, Swargate Police Station (Pune City)

CORAM: SANDEEP V. MARNE, J.

DATE : 23 OCTOBER 2024.

P.C.:

1 These two Appeals are filed under the provisions of section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the orders dated 16 February 2024 and 5 March 2024 passed by the learned Special Judge, Pune, rejecting the applications filed by Appellants for grant of pre-arrest bail in connection with C.R.

No.7 of 2024 for offences punishable under sections 376, 323, 504, 506 read with section 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(1)(xii) and 3(2)(v) of the SC & ST Act.

2 Perusal of the FIR statement would indicate that the Complainant is a divorcee and shifted to Pune in the year 2021. She alleges that after she shifted to Pune Appellant Yuvraj Vamanrao Shinde established contact with her and maintained sexual relationships under false promise of marriage from 10 July 2021 to 4 December 2023. It is further alleged that on 4 December 2023 when the Complainant met Appellants, they abused her with reference to her caste at Shivaneri Road, Market-yard, Pune. These are broad allegations in the FIR statement.

3 Complainant is aged 32 years. She has been married and later divorced. Appellant Yuvraj Vaman Shinde is also married and the other Appellant Kajal Yuvraj Shinde is his wife. FIR statement *prima facie* indicates consensual sexual relationship between Complainant and Yuvraj Shinde which ensued for over two years from 1 July 2021 to 4 December 2023. Offences under the provisions of SC & ST Act are essentially invoked on account of the alleged incident of 4 December 2023. Though the incident has allegedly occurred at Shivaneri Road, Market-yard, Pune, the FIR statement itself is silent as to whether any other person apart from Complainant and Appellants heard the caste based utterances. In my view therefore, in absence of any allegations

humiliation of Complainant with reference to her caste in public view, the bar under provisions of section 18 of the SC & ST Act would not be attracted in the present case. Both the Appellants are on interim protection granted by this Court by orders dated 1 March 2024 (Yuvraj Vamanrao Shinde) and 21 March 2024 (Kajal Youvraj Shinde). Both the Appellants have co-operated completion of investigations by remaining present before the Investigating Officer. The learned APP would confirm the position that investigations into the offences are complete and that the charge-sheet has been filed. In that view of the matter, interim protection granted in favour of the Appellants deserves made absolute.

4 I accordingly proceed to pass the following order:

- i) Order dated 16 February 2024 and 5 March 2024 passed by the learned Special Judge are set aside.
- ii) Interim protection granted in favour of the Appellant Yuvraj Vamanrao Shinde by order dated 1 March 2024 and in favour of the Appellant Kajal Youvraj Shinde by order dated 21 March 204 are made absolute.
- iii) The Appellants shall not contact the Complainant or any other witnesses associated with the case or shall tamper with the evidence.

iv) Appellants shall regularly attend the dates before the Trial Court unless exempted.

5 With the above directions, the Appeals are **allowed and disposed of.**

(SANDEEP V. MARNE, J.)