

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 406 OF 2024
WITH
INTERIM APPLICATION NO. 1623 OF 2024
IN
CRIMINAL APPEAL NO. 406 OF 2024

Ganesh Govindrao Zende ... Appellant
Versus
State of Maharashtra And Anr ... Respondents

Mr. Dilip Shinde a/w Mr. Mukund Mane, Mr. Mohan Kumbhar for the Appellant.

Mr. Ashok R. Metkari, APP for the Respondent No. 1-State.

Ms. Priyanka Chavan, for Respondent No. 2.

CORAM : SANDEEP V. MARNE, J.

DATE : 7 AUGUST 2024.

PC. :

1) This Appeal is filed under provisions of 14-A of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**), challenging the Order dated 3 April 2024 passed by the Additional Sessions Judge-2, Nashik, rejecting the application filed by the Appellant seeking pre-arrest bail under Section 438 of Code of Criminal Procedure in

connection with Crime Register No. 84 of 2024 registered with Sarkarwada Police Station for the offences punishable under Sections 376, 376(2)(n), 504, 506 of the Indian Penal Code and under Section 3(1)(w)(i), 3(1)(w)(ii) of the SC & ST Act.

2) Appellant was granted interim protection by this Court by Order dated 22 April 2024.

3) I have heard Mr. Shinde, the learned counsel appearing the Appellant, Ms. Chavan the learned counsel, who is appointed to represent Respondent No. 2 as well as Mr. Metkari the learned APP appearing for Respondent No.1 - State.

4) Perusal of FIR would indicate complete lack of any details with regard to happenings of various events narrated in the FIR statement. The case clearly arises out of love relationship between the Complainant and Appellant. Though, it is true that the consent of the Complainant is alleged to have been obtained under promise of marriage and the Appellant latter was found to be already married, at the same time there ought to have been atleast some particulars in the FIR in respect of various allegations levelled therein. The relationship between the couple appears to have ensued for more than three long years.

5) Investigations into the crime are already complete and chargesheet has been filed on 15 May 2024. In that view of the matter, Appellant needs to be protected from arrest as his custodial interrogation now is no longer warranted.

6) The Appeal accordingly succeeds and I proceed to pass the following Order:

i) Order dated 3 April 2024 passed by the Additional Sessions Judge - 2 Nashik is set aside.

ii) Interim Protection granted in favour of the Appellant by Order dated 22 April 2024 is made absolute.

iii) The Appellant shall however not contact the Complainant in any manner nor shall pressurized her or tamper with the evidence. If it is found that the Appellant has contacted the Complainant even on single occasion, liberty is granted for cancellation of bail granted to the Appellant.

iv) The Appellant shall attend all dates of hearing before the Trial Court unless exempted.

7) With the above directions, the Appeal is allowed and disposed of.

8) Interim application stands disposed of.

[SANDEEP V. MARNE, J.]