

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.944 OF 2024

Sakshi Vijay Bhosale
V/s.

....Appellant

The State of Maharashtra and Anr.

...Respondents

Mr. Narayan G. Rokade with Mr. Abhang Suryawanshi for the Appellant.

Ms Shilpa K. Gajre-Dhumal, APP for Respondent No.1-State.

Mr. Ganesh B. Nimbalkar, ASI, Akluj Police Station, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 2 September 2024.

P.C.:

1) This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging order dated 9 August 2024 passed by the learned Additional Sessions Judge, Malshiras, rejecting the application for grant of pre-arrest bail to the Appellant in connection with C.R. No.293 of 2024 registered with Akluj Police Station, District-Solapur (rural) for the offences punishable under Sections 323, 376, 504 and 506 r/w 34 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2) and 3(v) of the SCST Act.

2) I have heard the learned counsel appearing for the Appellant and the learned APP appearing for the Respondent-State.

3) Perusal of the FIR statement would *prima facie* indicate that except introducing the accused No.1 with Complainant on 13 May 2024, the Appellant has not played any role in commission of the alleged crime. Though the learned APP has attempted to highlight statement of Complainant recorded under Section 164 of the Code of Criminal Procedure, 1973 with regard to presence of photographs in the mobile phone of the Appellant, it is seen that the said statement refers to only one selfie taken of Complainant, Appellant and accused No.1. The FIR statement shows that certain additional photographs were taken by accused No.1 of the Complainant which are apparently misused by accused No.1 for commission of crime in question.

4) Considering the nature of allegations levelled against the Appellant in my view bar under Section 18 of the SCST Act would not be attracted in the present case. The custodial interrogation of the Appellant at this stage appears to be not necessary. The Appellant therefore deserves to be granted interim protection.

5) Issue notice to Respondent No.2, returnable on **24 September 2024**. In the meantime the Investigating Officer shall record statement of Respondent No.2 as to whether she is desirous of engaging private Advocate or seeks to avail the services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

6) Till the next date of hearing, in the event of arrest of the Appellant in connection with C.R. No.293 of 2024 registered with Akulj Police Station, District-Solapur (rural) for the offences punishable under Sections 323, 376, 504 and 506 r/w 34 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2) and 3(v) of the SCST Act, she shall be released on interim bail on furnishing PR bonds in the

sum of Rs.25,000/- with one or two solvent sureties in the like amount on the following terms and conditions:-

(a) The Appellant shall appear before the Investigating Officer on 10 September 2024 and 11 September 2024 between 11.00 a.m. to 2.00 p.m. and shall co-operate with completion of investigations.

(b) Appellant shall furnish identity and address proof of herself and of her two blood relatives while furnishing sureties.

(c) Appellant shall not attempt to contact the Complainant or any of the witnesses associated with the case in any manner nor shall she tamper with the evidence in the case.

[SANDEEP V. MARNE, J.]