

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1082 OF 2024**

Mr. Dheeraj Alias Monty
Chandrakant Mukadam

....Appellant

V/s.

The State of Maharashtra and Anr.

....Respondents

Ms. Manvi Sharma *a/w Mr. Saurabh Butala, for the Appellant.*

Ms. Anuja S. Gotad, *APP for Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

Date : 4 OCTOBER 2024.

P.C. :

- 1) Heard the learned counsel appearing for Appellant.
- 2) Perusal of the FIR statement *prima facie* indicates that the first informant was earlier married and has been divorced. She alleges that between the year 2021 to 2024, Appellant has kept physical relations with her under false promise of marriage. In the initial FIR statement, no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (**SC & ST Act**) was alleged. However, it appears that the offences relating to SC & ST Act have been subsequently added. Since *prima facie* case of offences under SC & ST Act is not made out, the bar under Section 18 would

not apply. In that view of the matter, Appellant needs to be granted interim protection till Respondent No.2 makes an appearance in the Appeal.

3) Issue notice to Respondent No. 2, returnable on 22 October 2024.

4) The Investigating Officer shall record statement of Respondent No.2 as to whether she is desirous of engaging private Advocate or wants to avail the services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

5) Accordingly, till the next date of hearing in the event of arrest of the Appellant in connection with C.R. No.280/2024 registered with Rabale Police Station for the offences punishable under Sections 376, 376(2)(n), 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(w), 3(2)(v) and 3(2)(va) of the SC & ST Act, he shall be released on interim bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two solvent sureties in the like amount subject to following conditions :

(a) Appellant shall remain present before the Investigating Officer on 10 and 11 October 2024 shall co-operate with conduct of investigations.

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

(c) Appellant shall attend Trial Court regularly unless exempted from personal appearance.

(d) Appellant shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

6) List the appeal on 22 October 2024.

[SANDEEP V. MARNE, J.]

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