

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

CRIMINAL APPEAL NO.1142 OF 2024

Vikas Maruti Karande

...Appellant

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Balwant Salunkhe *for the Appellant.*

Ms Shilpa K. Gajare-Dhumal, *APP for Respondent-State.*

Ms Shivani Kondekar *for Respondent No.2.*

Ms. Priya Devidas Damale, IO, ACP, Naupada Division, Thane city, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 14 November 2024.

P.C. :-

1) This is an Appeal under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST**) challenging order dated 14 October 2024 passed by the learned Additional Sessions Judge, Thane, rejecting Criminal Bail Application No.1673 of 2024 filed by the Appellant in connection with C.R. No.757 of 2024 registered with Thane Nagar Police Station, District-Thane, for the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 (**IPC**) and Sections 3(1)(r)(w)(i)(ii) of the SCST Act.

2) I have heard Mr. Salunkhe, the learned counsel appearing for the Appellant, Ms Gajare-Dhumal, the learned APP

for Respondent No.1-State and Ms Kondekar, the learned counsel appointed by the Court through Legal Aid Panel to represent Respondent No.2.

3) Perusal of the FIR statement would clearly indicate consensual sexual relationship between the Complainant and the Appellant. According to the FIR statement, first sexual relationship between the parties was established in November 2021 i.e. three years before lodging of the FIR. The FIR is essentially lodged on account of opposition on the part of the parents of the Appellant to the marriage between Appellant and Complainant. It appears that the parents are arraigned as accused Nos.2 and 3 and have been released on anticipatory bail. It appears that the Appellant came to be arrested on 8 September 2024 and has been in custody since then. Investigations are complete and charge-sheet has been filed.

4) Ms Kondekar would essentially raise two points. She would firstly submit that the Appellant's reliance on the non-cognizable complaint dated 22 August 2024 is misplaced as the same was not registered in accordance with the version of the Complainant. She would submit that on 22 August 2024 Complainant desired lodging of the FIR on the basis of the same allegations as are reflected in the FIR on 3 September 2024 but the police registered only non-cognizable complaint. Secondly, she would submit that while granting anticipatory bail to the parents of the Appellant, no notice was given to the Complainant nor she was heard. She would therefore submit that grant of anticipatory bail

to the parents cannot be a factor for deciding the present appeal.

5) I am not impressed by the submissions made by Ms Kondekar. Appellant has been in custody since 8 September 2024. The investigations in the crime are complete and charge-sheet is filed. The Complainant herself admits in the FIR that there was consensual sexual relationship between the duo. The only allegation of her is that such sexual relationships were premised solely on the promise of marrying her. This aspect can be considered during the course of trial. Appellant cannot be incarcerated indefinitely. Therefore, case is made out for enlarging the Appellant on bail.

6) I accordingly proceed to pass the following order:-

- (i) Order dated 14 October 2024 passed by the learned Additional Sessions Judge, Thane, is set aside.
- (ii) The Appellant who is arrested in connection with C.R. No.757 of 2024 registered with Thane Nagar Police Station, District-Thane, for the offences punishable under Sections 376(2)(n) and 506 of the IPC and Sections 3(1)(r)(w)(i)(ii) of the SCST Act, shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (iii) Appellant shall furnish identity and address proof of

himself and of his two blood relatives while furnishing sureties.

- (iv) Appellant shall not contact Complainant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.
- (v) Appellant shall attend Trial Court on each date of hearing unless exempted from personal appearance.
- (vi) 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.

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

[SANDEEP V. MARNE, J.]