

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

CRIMINAL APPEAL NO.1243 OF 2024

Yogesh Laxman Ahire

....Appellant

V/S

The State of Maharashtra & Anr.

....Respondents

Mr. Bhalchandra S. Shinde *for the Appellant.*

Ms. Rashmi S. Tendulkar, APP *for Respondent No.1 / State.*

*Mr. Navnath B. Dhaygude, PC, Talegaon Dabhade Police Station,
Pimpri Chinchwad present in Court.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 26 NOVEMBER 2024.**

P.C.:

1 This is an Appeal filed under the provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 24 October 2024 passed by the learned Additional Sessions Judge, Vadgaon Maval, District Pune rejecting the Application for anticipatory bail filed by the Appellant in connection with C.R. No.343 of 2024 registered with Talegaon Dabhade Police Station for offences punishable under sections 376, 323, 420, 495, 504 and 506 of the Indian Penal Code (**IPC**) and under sections 3(1)(w)(ii) and 3(2)(v) of the SC & ST Act.

2 Perusal of the FIR statement would *prima facie* indicate that the Complainant herself has been married previously. There is *prima facie* reason to believe that she was aware about Appellant's previous marriage. Therefore *prima facie* this appears to be a case of consensual sexual relationship. Therefore it is difficult at this stage to infer as to whether any offence under SC & ST Act is made out. Therefore bar under provisions of sections 18 and 18A of the SC & ST Act would not be attracted in the present case. It is also matter of fact that investigations in the crime are complete and the charge-sheet has been filed. Therefore custodial interrogation of the Appellant at this stage would not be warranted. Therefore Appellant deserves to be granted interim protection till Respondent No.2 puts in her appearance.

3 Issue notice to Respondent No.2, returnable on **18 December 2024**. Notice to be served through the concerned police station.

4 In the meantime, 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.

5 Till the next date of hearing, in the event of arrest of the Appellant in connection with C.R. No.343 of 2024 registered at Talegaon Dabhade Police Station for offences punishable under

sections 376, 323, 420, 495, 504 and 506 of the Indian Penal Code and sections 3(1)(w)(ii) and 3(2)(v) of the SC & ST Act, he 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:

- i) Appellant shall remain present before the Investigating officer on 3 and 4 December 2024 and shall co-operate with the completion of further investigations by handing over his mobile phone, if any.
- ii) Appellant shall not attempt to contact the Complainant or any of the witnesses associated with the case in any manner nor shall he tamper with the evidence in the case.

(SANDEEP V. MARNE, J.)