



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

921 CRIMINAL APPEAL NO. 26 OF 2025

**SURESH DAMU THANAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Appellant : Mr.Bhosale Aniket Deepak
(Through Video-conferencing)
APP for Respondent/State : Mr.K.K.Naik
Advocate for Respondent No.3 : Mr. S.G.Sonawane

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CORAM : SHAILESH P. BRAHME, J.
DATE : 19th MARCH 2025

PER COURT :

1. Heard both sides.
2. Appellant's application for pre-arrest bail is rejected vide order dated 02.01.2025 passed by Learned Additional Sessions Judge, Shrigonda, Dist.Ahmednagar in Criminal Bail Application No. 755 of 2024 which is a cause to approach this Court by filing present appeal.
3. Appellant is apprehending arrest in furtherance of Crime No.1076 of 2024 registered on 10.12.2024 with Shrigonda Police Station, Dist.Ahmednagar for offence under Sections 64,64(2), (M),69,352,351(2) of Bhartiya Nyaya Sanhita 2023 and Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(2) and 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Act.

4. It's a case of the prosecution that respondent No.3 helped appellant when he was in jail and for releasing him on bail. She was promised to be looked after and to get married by the appellant. Under this false promises he established physical relations with the respondent No.3. He started neglecting her as he had kept relation with other lady. On 01.09.2024 she was abused on caste and threatened by the appellant. She lodged report with police on 10.12.2014.

5. Learned counsel for the appellant submits that taking the allegations as it is, the physical relationship between the parties was consensual and no offence is made out. It is submitted that there was discord between the parties and therefore vindictively complaint is filed against the appellant. It is submitted that respondent No.3 is habitual. A compilation of document is placed on record to show that earlier also she was instrumental in filing false cases against other persons. It is submitted that there is a gross delay in filing complaint which also indicates the false implication of the appellant. It is further submitted that there is no prima-facie case to attract Atrocity Act,1989.

6. Learned APP tenders on record the police papers. He refers to affidavit-in-reply. It is submitted that offence took place within public view. Appellant needs to be examined medically. The statement under Section 183 of Bhartiya Nagrik Suraksha Sanhita,2023 (Section 164

of Cr.PC) could not be recorded. Considering overall circumstances the trial court rejected application of the appellant.

7. Learned counsel Mr.Sonwane appearing for respondent No.3 adopts the submissions of respondent Nos.1 and 2. Additionally, he would oppose the submission of the appellant that the respondent No.2 was habitual in filing false cases. The earlier instance cited by the appellant has no relevance and would not establish the malafides of the respondent No.3. It is submitted that the appellant is very influential person and he is pressurizing the investigating agency. He is consistently threatening the respondent No.3. It is also submitted that appellant and the respondent No.3 are residents of the same vicinity.

8. I have gone through First Information Report as well as papers of investigation. I have considered affidavit-in-reply as well as compilation tendered by the appellant on record.

9. It is apparent from the First Information Report that the respondent No.3 was knowing appellant. Before 4 to 5 years they appears to have relationship and stayed together. The relationship appears to be consensual. It also reveals that respondent No.3 has been given false assurances and thereafter there was love lost between the parties. The dispute between the appellant and the respondent No.3 was on the ground of maintaining her or allotting petrol pump. The incident cited in the report occurred on

01.09.2024. It can not be lost sight of the fact that report was lodged on 10.12.2024. It is incomprehensible as to why the informant waited till 10.12.2024.

10. Considering the nature of the allegations and the strained relationship between them, I do not find any serious offence is committed by the appellant. In all probabilities it was not intentional harassment of informant on caste.

11. Learned counsel for the appellant adverted my attention to the offence bearing Crime No.155 of 2013 and Crime No.10 of 2021. At this juncture it would be difficult to come to the conclusion that the respondent No.3 is habitual. It would be open for the appellant to agitate this plea before the trial court. So far as the apprehension expressed by the respondent No.3 is concerned, the care can be taken by imposing conditions upon the appellant.

12. For the reasons stated above and the reasons assigned by trial Court in rejecting application, I find that impugned order is unsustainable. I therefore pass following order :

ORDER

- a) Criminal Appeal is allowed.
- b) The appellant shall be released on bail in the event of his arrest in furtherance of Crime No.1076 of 2024 registered on 10.12.2024 with Shrigonda Police Station, Dist.Ahmednagar on furnishing PR bond of

Rs.50,000/-(Rupees Fifty Thousand Only) with one solvent surety on following conditions :

- i) The appellant shall stay away from entire Tq.Shrigonda Dist.Ahmednagar till the filing of the charge-sheet and inform his whereabouts to the concerned police station.
- ii) He shall report the concerned police station on every Monday between 12 pm to 5 pm and for that purpose only he should enter in the prohibited area.
- iii) The appellant shall co-operate with the investigating officer and he shall not tamper or contact the prosecution witnesses of the informant.

[SHAILESH P BRAHME, J.]

vsj..