



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

CRIMINAL APPEAL NO. 332 OF 2025

Imran Akbar Pathan
Age: 20 Years, Occu. : labour,
R/o Sirsala,
Tq. Parli Vaijnath Dist. Beed

.....APPELLANT

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Sirsala Police Station.
Tq. Parli Vaijnath Dist. Beed.
(Copy to be served on Public
Prosecutor High Court of Bombay
Bench at Aurangabad)
2. The superintendent of Police,
Beed, Tq. And Dist. Beed.
3. Sanjivani W/o Vitthal Kale,
Age: 40 yrs, Occu: Labour,
R/o Sonpeth Road, Sirsala,
Tq. Parli Vaijnath, Dist. Beed.

.....RESPONDENTS

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Mr. S. W. Munde, Advocate of Appellants
Mr. K. K. Naik, APP for Respondent Nos.1 and 2
Mr. J. S. Jain, Advocate for Respondent No.3 (Appointed)

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CORAM : SHAILESH P. BRAHME, J.

DATED : 08TH MAY, 2025

FINAL ORDER :-

- . Heard both sides
2. Appellant is taking exception to the judgment and order

dated 09.04.2025 passed in Criminal Bail Application No.143 of 2025. He is apprehending arrest in Crime No.65/2025 registered with Sirsala Police Station, Tq. Parli Vaijnath, Dist. Beed, for the offence punishable under Sections 351(2), 3(5), 109(1) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(v), 3(2), 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned Counsel for the appellant submits that there is delay in lodging complaint when incident took place on 24.02.2025. First Information Report does not disclose caste of the informant as well as appellant. Incident in question does not take place within public view. Appellant is falsely implicated in the offence. Entire incident is imaginary and First Information Report is self contradictory.

4. Per contra, learned APP would submit that there are eye witnesses. He tenders on record papers of investigation and relies on statement of minor victim, her brother Sachin, Kalyan, Shafiq and Taufiq. It is vehemently submitted that previously also minor was being harassed and offence was registered against the appellant. There is a clinching material against the appellant.

5. Learned Counsel for Respondent No.2 submits that appellant and the informant are from same place. Minor victim was tried to be molested by appellant and co-accused. Considering the seriousness of the allegations, no discretion can be exercised in granting any protection.

6. First Information Report shows that victim, who is the daughter of the informant was of 14 years and 05 months at the relevant time. Informant's caste is mentioned in the complaint. Minor victim was rescued from well on hearing her commotions. After gaining the consciousness, she disclosed the appellant's name.

7. The statement of the victim is in consonance with First Information Report. So is the case with statements of Sachin, Kalyan, Shafiq and Taufiq. There is a clinching material on record to indicate involvement of the appellant. It's a serious offence committed against minor. There is every possibility of application of provisions of the Protection Of Children From Sexual Offences Act, 2012 during the course of investigation.

8. Previously, also appellant indulged in the eve teasing and this time appellant is emboldened. Investigation in that regard is under way in Crime No.36/2025. Therefore, the

theory of the prosecution is consistent and corroborated by the statements. Victim was required to be taken to the hospital and the trauma faced by the family cannot be overlooked. In such a situation, belated filing of report is justified.

9. Learned Counsel for the petitioner has also pressed into service plea of alibi, but that cannot be considered at this stage of the proceeding. Exh.-C railway ticket relied on by the appellant can be of little assistance.

10. I do not find any perversity or illegality in the impugned judgment and order. Criminal appeal is devoid of any substance and it is dismissed.

11. Mr. Jitendra S. Jain, learned Advocate appointed for the respondent No.3 is quantified to Rs.5000/- (Rs. Five thousands only) for his assistance.

(SHAILESH P. BRAHME, J.)