



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

CRIMINAL APPEAL NO. 591 OF 2025

Pournima Devidas Bankar

.. Appellant

Versus

The State Of Maharashtra And Another

.. Respondents

Mr. Prashant P. Giri, Advocate for the Appellant.

Mr. R. B. Dhaware, APP for Respondent No. 1.

Mr. K. S. Kahalekar, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 25th AUGUST, 2025.

PER COURT :-

. Heard for some time.

2. The present appeal is arising out of the proceedings under the SC and ST (Prevention of Atrocities) Act. It is the case of the informant that, he was in relationship with present appellant as they got acquainted with each other in a birthday function of a daughter of the present appellant. They stayed together for quite some time. Thereafter, they also got married to each other. However, some dispute arose thereafter. It is the allegation that, on 29.05.2025 the appellant called the informant to her house

under the pretext of giving some amount to the informant. The informant went to her house at around 3.40 – 3.45 p.m. It is alleged that, when he entered the room and while he was removing shoes, brother, father and uncle of the appellant assaulted him from wooden side of spade on the hand and chest of the informant. It is alleged that, this appellant tried to gag his mouth by putting cloth of her scarf. One Mayur – brother of the appellant also assaulted with rod. He somehow escaped himself and came out of the house. Then this appellant took him to the hospital in a car. He was threatened by the brother of the appellant not to come again and he has also committed murder in the past. However, on admitting the informant to the hospital the appellant left. On the basis of this information, MIDC CIDCO Police Station, Chhatrapati Sambhajnagar registered a crime on 31.05.2025 for the offences punishable under Sections 109, 352, 351(2), 61(2) r/w Section 3(5) of the Bhartiya Nyaya Sanhita (for short “B.N.S.”). On the basis of supplementary statement, later on sections under the SC and ST (Preventions of Atrocities) Act (for short “Atrocities Act”) also came to be added. The anticipatory bail application of the present appellant came to be dismissed by

the impugned order by the learned Sessions Judge and thus, the appellant is before this Court.

3. The learned advocate Mr. Giri for the appellant vehemently argued that, a complaint was lodged only against brother and father of the appellant. The allegations are only against brother, father and uncle of the appellant. Just to implicate the informant out of misunderstanding her name is stated in the FIR. As a matter of fact, it is she who helped the informant to escape from the house and it is she who took him to the hospital. They, in fact, were in relationship and had no reason to assault him or to take part in the incident. He further submits that, now even the informant has no objection if this appeal is allowed.

4. The learned A.P.P. opposes the appeal stating that, there is clear role attributed to the present appellant. She called him to the house in spite of knowing that her father, uncle and brother were prepared to assault the informant. Thus, she has facilitated other accused persons to commit the crime. She does not deserve any protection from this Court.

5. The learned advocate for respondent No. 2 submits that, so far as the present appellant is concerned, he has no serious grievance. Only because she called him to the house, he mentioned her name in the FIR. He submits that, later on he realized that, it is the appellant who saved him and took him to the hospital. Now, he has no objection to allow the appeal.

6. This Court finds that, there are allegations even against the present appellant. However, it is seen that, she at least, had no reason to assault the informant on the ground of caste. She has already resided with him for considerable time. They even got married. There is no allegation that, at the time of incident she abused him in the name of caste or that he was assaulted by her because of his caste. The possibility of false implication cannot be ruled out as now in the affidavit filed by the informant he has given no objection. From the FIR also it is appearing that, she took the informant to the hospital. At the same time it needs to be kept in mind that when this was the position, the informant still made allegations against the appellant. The time of police machinery is taken in the complaint and in the investigation and it is thereafter the informant has come to the Court giving no

objection to allow the appeal. This Court finds that, this fact needs to be considered while allowing the appeal. The police need be compensated for this. Hence, the following order :

ORDER

- (i) Criminal appeal stands allowed.
- (ii) The appellant be released on bail in the event of her arrest in connection with Crime No. 327/2025 registered with MIDC CIDCO Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 109, 352, 351(2), 61(2) r/w Section 3(5) of the B.N.S. and under Section 3(1)(s) of the Atrocities Act on furnishing P.R. bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount on following conditions :
 - (a) The appellant shall not try to contact any of the witnesses and shall not try to pressurize them. She shall co-operate in the investigation. She shall remain present as and when called by the investigating officer.
 - (b) The appellant shall give her residential address, mobile number and other contact details with concerned I.O./Police

Station.

(iii) The above order shall be subject to the appellant depositing Rs. 25,000/- (Rs. Twenty Five Thousand only) with the Police Welfare Fund, Chhatrapati Sambhajnagar within a period of one week from today.

(iv) The observations are prima facie for the purpose of grant of bail.

(v) Criminal appeal stands disposed of .

(KISHORE C. SANT, J.)

P.S.B.