



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

948 CRIMINAL APPEAL NO. 1083 OF 2024

**JAFAR @ KAKAR KARIM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Appellant : Mr.Dhanraj S.Ingole h/f. Mr.Ghanekar Nilesh S.
APP for Respondent/State : Mr.S.M.Ganachari

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CORAM : SHAILESH P. BRAHME, J.
DATE : 27th MARCH 2025

PER COURT :

. This appeal is directed against order dated 06.12.2024 passed by learned Additional Sessions Judge,Shrirampur, Dist.Ahmednagar rejecting pre-arrest bail sought in furtherance of Crime No. 941 of 2024 registered with Shrirampur City Police Station, Dist.Ahmednagar for offences punishable under Sections 74,333,115(2),304,352,351(2) of Bharatiya Nyaya Sanhita 2023 and section3(1)(r)(s), 3(1)(w)(i),3(2)(v) of Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. The appellant was granted interim protection vide order dated 14.11.2024 which came to be vacated by the impugned order.

3. It transpires from the First Information Report that appellant is acquainted with the informant and her husband. At the relevant time both accused are alleged to have entered the informant's house,

abused and assaulted her and her husband. They further outraged the modesty of the informant and made casteist allegations. While leaving the house, they took away two-wheeler of the informant.

4. Learned APP submits that investigation is in process and there is clinching material against the appellant. Supplementary statements of informant, statement of husband who is eye witness would indicate role played by the appellant. The stolen vehicle is yet to be recovered. The custodial interrogation is required

5. The incident took place in a closed door i.e house of the informant. Appellant and the informant's husband were knowing each-other and due to their strained relations, the confrontation was made. Considering the nature of the allegations, I am of the considered view that appellant is entitled to pre-arrest protection. The same protection was granted to him by the interim order passed by the trial court.

6. I find that the impugned order needs to be interfered with. I therefore pass following order :

ORDER

- a) Criminal Appeal is allowed and impugned order dated 06.12.2024 passed by learned Additional Sessions Judge,Shrirampur, Dist.Ahmednagar is quashed and set-aside.
- b) The appellant Jafar @ Kakar Karim Shaikh shall be released on bail in the event of his arrest in furtherance of Crime No. 941 of

2024 on furnishing personal bond of Rs.30000/- (Rupees Thirty Thousand Only) with one solvent surety. Appellant shall follow the conditions :

- i) He shall not contact or pressurize informant or the prosecution witnesses.
- ii) He shall co-operate the investigating officer and shall report him on every Thursday between 12 pm to 5 pm.

[SHAILESH P. BRAHME, J.]

vsj..