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

35 CRIMINAL APPEAL NO. 363 OF 2025

**RAVINDRA RAMDAS SAWAJI (IN FIR RAJU SAWAJI)
.....Appellant**

VERSUS

**THE STATE OF MAHARASHTRA AND ANOTHER
.....Respondent**

Mr. R. V. Gore, Advocate for the appellant
Mrs. M. N. Ghanekar, APP for the respondents/State
Mrs. Ashwini Lomte, Advocate for the respondent No.2
(appointed)

CORAM : KISHORE C. SANT, J.

DATE : 10th JUNE, 2025

P. C.

1. Heard the parties.
2. This appeal arises out an order passed below Exh. 1 in Cri. Bail Application No. 46/2025 by the learned Additional Sessions Judge, Gangapur dated 15-05-2025 whereby the application of the appellant seeking bail in the event of arrest came to be rejected.

3. It is the case that informant lodged a complaint on 03-04-2025 under Sections 3(1)(w)(i)(ii) and Section 3(2)(va) of the SC & ST [Prevention of Atrocities] Act and Sections 376 read with Section 34 of the IPC. It is stated that offence took place from the period 01-01-2020 till 14-04-2024. The allegations show that informant had relation with accused no. 1 since her school days. However, she was married to some other person at Buldhana. After staying with her husband for couple of years, she came back and started residing with original accused No. 1. The present applicant happens to be brother of wife of accused No.1. It is further alleged that from time to time the accused Nos. 2 and 3 had established sexual relation with the informant. In the year 2022 even the present applicant had sexual intercourse with the informant on one or two occasions. It is on these allegations, the FIR came to be lodged. The applicant seeking apprehending arrest approached the learned Special Judge. The learned Special Judge rejected the application.

4. Mr. Gore, learned advocate argued that FIR is lodged after much delay. There is no explanation for such a delay. Allegations are not specific. The informant could not give any date or day when the offence took place. It is only because, he happens to be related to accused No.1, he is falsely implicated. In the year 2024 the informant even filed complaint under the Domestic Violence Act in the court at Buldhana. In the said proceeding she has not stated anything about the alleged incident. The allegations are thus concocted. He relies on the order passed in ABA/883/2025 wherein other accused persons are already granted protection. He thus, prays for allowing the appeal.

5. The learned APP vehemently opposes the appeal. She points out that there are statements of the daughter and son of the informant. Informant has stated in the FIR all the incident that took place. Since the incidents have happened longback it is not expected to give specific dates and days of such incident. She submits that considering the gravity of the offence the

appellant does not deserve any protection.

6. The learned advocate for respondent No.2 also opposes the appeal vehemently. She submits that offence is serious and grave. Repeatedly there are instances of sexual assault on the informant. Informant is a person who could not even inform the incident immediately, as she is staying with accused No.1 without marriage. She, thus, prays for rejection of the appeal.

7. On going through the FIR, it is seen that allegations are that on many occasions the appellant abused her in the name of her caste. The incident of sexual assault is stated to be of 2022. She could not give date and month of the said incident. Main allegations are against the brothers of accused No.1. From the statement of the son and the daughter of the informant, it is seen that they are not supporting the case of the informant. This court finds substance in the submission that there is no explanation given for delay in lodging the complaint. There is

also order passed by this court in favour of accused No.1 granting protection. Entire complaint prima-facie appears to be vague and without sufficient particulars. Certainly there is a doubt as to whether case is made out as alleged above. Considering above, this court finds that appellant deserves protection. Hence, the following order:-

ORDER

- a] The appeal stands allowed.
- b] The order passed below Exh. 1 in Cri. Bail Application No. 46/2025 by the learned Additional Sessions Judge, Gangapur dated 15-05-2025 is quashed and set aside.
- c] The applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety in the like amount on the following conditions:
 - i] The appellant shall give his contact details such as address and mobile number.
 - ii] The appellant shall not contact the

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informant and any of the witnesses.

iii] The appellant shall attend the police station as and when called by the Investigating Officer.

d] Respondent No.2 is appointed by this court. This court appreciates her efforts in assisting the court. Her fees be paid as per rules.

[KISHORE C. SANT, J.]

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