

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 661 OF 2025**

Rutwik Arun Wadkar ...Appellant
Versus
State of Maharashtra And Anr ...Respondents

Ms. Divya Arvind Pawar for the appellant
Ms. Yugandhara Khanvilkar appointed through Legal Aid for
respondent no. 2
Mr. S. N. Deshmukh APP for the State

**CORAM : SHIVKUMAR DIGE, J.
DATE : 18th SEPTEMBER 2025**

P.C.

1. Appellant by this appeal challenges the order dated 12th June 2025 passed by learned Additional Sessions Judge-1 Sangli in Criminal Bail Application No. 377 of 2025. The appellant is apprehending his arrest in Crime No. 260 of 2025 for offences punishable under Section 69 of the Bhartiya Nyay Sanhita, 2023 (for short "BNS") and under Sections 3(1)(r), 3(1)(s), 3(2)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act registered at Sangli City Police Station, District: Sangli.

2. It is the prosecution's case that appellant sexually assaulted the first informant/victim on the ground of taking care of her and her

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.09.22
14:04:10
+0530

child. It is alleged that appellant had video recorded the sexual act and threatened the victim that he will make it viral if she lodged complaint. When victim asked to accept her proposal, he refused on the ground that she belongs to the scheduled caste.

3. It is the contention of learned counsel for appellant that the relation between the appellant and first informant was consensual. The first informant is already having two children. The appellant while on interim relief has cooperated with the investigation. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the appeal.

4. It is the contention of learned APP alongwith learned counsel for respondent no. 2 that appellant sexually assaulted the victim by threatening her. The sexual assault was recorded in the mobile. The appellant threatened to viral it. The victim belongs to the scheduled caste. The appellant was aware about it. The allegations against the appellant are serious. Hence his custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel, perused F.I.R. and documents produced on record. There were sexual relations between the appellant and first informant for around two years. The first

informant is major. It appears that relation between the appellant and first informant were consensual. The appellant has handed over his mobile to the investigating officer. It has been sent to forensic lab for examination. In the F.I.R., there are no allegations against the appellant that he abused the first informant on caste. Considering these facts, custodial interrogation of the appellant is not required.

6. In view of the above, I pass following order:

ORDER

- I. The appeal is allowed.
 - II. The impugned order dated 12th June 2025 passed by learned Additional Sessions Judge-1 Sangli in Criminal Bail Application No. 377 of 2025 is quashed and set aside.
 - III. The interim order dated 1st July 2025 passed by this Court is made absolute.
7. The appeal is disposed of in the aforesaid terms.
8. Parties to act upon authenticated copy of this order.

(SHIVKUMAR DIGE, J.)