

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 944 OF 2024

Sakshi Vijay Bhosale

.... Appellant

Versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Narayan Gopinath Rokade a/w Mr. Siddharth R. Ghodke, Mr. Abhang Suryawanshi, Mr. Harishchandra Jadhav and Mr. Ramchandra Wagh, for the Appellant.

Mr. Ashok Gawai, APP, for the Respondent – State.

Ms. Meghna Gowalani, for Respondent No.2 (appointed Advocate).

CORAM : SHIVKUMAR DIGE, J.

DATE : 11^h MARCH, 2025.

P.C. :

1. This appeal is preferred against the order dated 9th August, 2024 passed by the Additional Sessions Judge, Malshiras.
2. The Appellant apprehends arrest in Crime No.293 of 2024 registered with Akulj Police Station, Solapur Rural, for the offences punishable under Sections 376, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2), 3(v) of the SC and ST Prevention

of Atrocities Act, 1989.

3. It is prosecution's case that Accused No.1 sexually assaulted the victim on promise of marriage on several occasions and abused her on her caste. The allegations against the Appellant are that she introduced Accused No.1 to the victim and she sent photos of the victim to the Accused No.1. Further, there was a challenge between the Accused No.1 and the Appellant regarding the marriage of Accused No.1 with the victim.

4. It is contention of learned counsel for the Appellant that Appellant has been falsely implicated in this case. The Appellant never abused the victim on her caste. The Appellant is student. She is on interim relief for six months and she has co-operated with the investigation. Considering the allegations against the Appellant, her custodial interrogation is not required and requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that Appellant had introduced victim to accused No.1, by taking disadvantage of it. Accused No.1 sexually assaulted the victim on promise of marriage. There was challenge between the Accused No.1 and Appellant regarding the marriage of

Accused No.1 with the victim. It shows the involvement of the Appellant in the crime. Considering the allegations against Appellant, her custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all learned counsel. Perused FIR and document produced on record.

7. The allegations against the Appellant are that she introduced Accused No.1 to the victim and she had bet with the Accused No.1. There are no allegations against the Appellant about the abusing the victim on her caste. The Appellant is student. She has co-operated in the investigation. Considering these facts her custodial interrogation is not required and I pass following order:-

ORDER

- i. The appeal is allowed.
- ii. The Appellant be released on bail in Crime No. 293 of 2024 registered with Akulj Police Station, Solapur Rural, on executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- iii. The Appellant shall attend the concerned Police Station

as and when required.

iv. The Appellant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution witness.

8. The appeal is allowed in the aforesaid terms and is accordingly disposed of.

9. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)