

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 977 OF 2025

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Hemant Narayan Doke

...Appellant

Versus

State Of Maharashtra And Anr.

...Respondents

Mr. Satyavrat Joshi a/w Yash Fadtare Advocate for the Appellant.

Ms. Shraddha Patil Advocate appointed through Legal Aid Committee
for Respondent No. 2.

Mr. P. P. Deokar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th DECEMBER, 2025

P.C.

1. By this appeal, the appellant is apprehending arrest in crime no.774 of 2025 registered with Shahupuri Police Station Dist-Kolhapur for offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(1)(w)(i), 3(1)(w)(ii), 3(2), 3(2)(va) and 3(V) of The Scheduled Castes And The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 115(2), 3(5), 351(2), 351(3), 352 and 64(2)(m) of the Indian Penal Code, 1860.

2. It is prosecution's case that during the period from September,

2019 to 3rd January, 2025 the appellant sexually assaulted the first informant on several occasions on the promise of marriage.

3. It is contention of learned counsel for the appellant that the first informant is married. She has not taken divorce from her husband. The appellant has been falsely implicated in this case. The physical relations between the appellant and the first informant were consensual. Considering the allegations against the appellant, custodial interrogation of the appellant is not required, hence, requested to allow the appeal.

4. It is contention of learned APP along with respondent no. 2 that the appellant sexually assaulted the first informant on several occasions on the promise of marriage. Considering the allegations against the appellant, his custodial interrogation is required and requested to reject the appeal.

5. I have heard all the learned counsels, perused the FIR and documents produced on record.

6. It appears from the record that the physical relations between the appellant and the first informant were consensual. The first informant is married and she has not taken divorce from her husband. Considering these facts, custodial interrogation of the appellant is not required and I pass following order :

O R D E R

- I. Appeal is allowed
 - II. In the event of arrest, appellant be enlarged on bail in C.R. No.774 of 2025 registered with Shahupuri Police Station, Dist. Kolhapur on furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.
 - III. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. Appeal is disposed of in above terms.
 8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
 9. As Ms. Shraddha Patil is appointed through Legal Aid Committee to represent respondent no. 2, professional fees of Rs.10,000/- be paid to her.
 10. All concerned to act on authenticated copy of this order.

(SHIVKUMAR DIGE, J.)