

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 97 OF 2025**

Dinesh Babulal Khumavat

...Appellant

Versus

The State Of Maharashtra & Anr.

...Respondents

Adv. Ritesh M. Thobde a/w Adv. Mervin Bardeskar and Adv. Changdev Shingade, Advocate for the Appellant.

Adv. V.S. Kupawade, Advocate for the Respondent No.2

Mr. S. S. Chaudhari, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th DECEMBER, 2025.

P.C. :

1. Adv. V. S. Kupawade is appointed to represent respondent No.2 through legal aid.
2. The Appellant is apprehending arrest in Crime No.389 of 2024 registered with Solapur Rural Police Station, Dist. Solapur for the offences punishable under Sections 376(2)(n) of the Indian penal Code (IPC) and Sections 3(1)(w)(i), (ii) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that during period of 27th March 2024 to 9th July 2024, the appellant sexually assaulted the first informant on various occasions on the promise of marriage. Thereafter he refused to marry her.

4. It is contention of learned counsel for the appellant that physical relationship between appellant and first informant was consensual. The first informant was 27 years old at the time of incident. There is delay in lodging the complaint. While on interim relief, appellant has co-operated in the investigation. Investigation is completed. Charge-sheet has been filed and requested to allow the appeal.

5. It is contention of learned APP and learned counsel for the respondent No.2 that the appellant sexually assaulted the first informant on the promise of marriage on various occasions. The first informant belongs to Scheduled Caste. Considering the allegations against the appellant, the custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all the counsel and perused the FIR and documents produced on record.

7. It appears from the FIR that physical relation between appellant and first informant was consensual. While on interim relief, the

appellant has co-operated with the investigation. Investigation is completed and charge-sheet has been filed. Considering these facts the custodial interrogation of appellant is not required and I pass following order :

ORDER

- (i) Appeal is allowed;
- (ii) In the event of arrest, the appellant be enlarged on bail in Crime No.389 of 2024 registered with Solapur Rural Police Station, Dist. Solapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (iii) The appellant shall attend the concerned police station as and when required.

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

9. It is made clear that the above observations are made only for the purpose of granting anticipatory 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.

10. As Adv. V. S. Kupawade is appointed to represent Respondent No.2 through legal-aid, professional fees of Rs.10,000/- be paid to him.
11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)