

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1209 OF 2024

Aparana Vasanttrao Ghorpade

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Vikas Shivarkar, Advocate for the Appellant.

Mr. Ashok R. Metkari, APP for the State.

Mr. Ankur Pahade, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th JULY, 2025.

P. C. :

1. The bail application of the appellant is rejected by the Trial Court hence appellant has filed the present appeal.

2. The appellant apprehends arrest in C.R.No. 254 of 2024 registered with Vishrantwadi police station for the offence punishable under Sections 3(1)(c), 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "SC & ST Act").

3. It is prosecution's case that, on 29.07.2024 at 9:15 a.m., when first informant was standing below the building, at that time, appellant threw garbage from her house window which fell on first informant and his vehicle. The first informant confronted the appellant about throwing garbage from the window at that time the appellant abused him on caste.

4. It is contention of learned counsel for the appellant that, appellant has been falsely implicated in this case. The incident has not occurred in public view. There was dispute between the society members and first informant, on that ground, offence was registered against the appellant, hence requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that, appellant threw garbage from window of her house which fell on first informant and his vehicle. When the first informant confronted about throwing garbage, the appellant abused him on his caste. The incident happened in public view. Considering the allegations against the appellant, her custodial interrogation is required, hence requested to dismiss the appeal.

6. I have heard all learned counsels. Perused FIR and documents produced on record. The allegations against the appellant are that, she abused the first informant from her house window. It cannot be considered as incident occurred in public view. The appellant is a lady. Considering the fact that incident has not happened in public view, her custodial interrogation is not required and I pass following order.

ORDER

- i. In the event of arrest, the appellant in C.R.No. 254 of 2024 registered with Vishrantwadi Police Station, shall

be released on bail on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties of the like amount.

- ii. The appellant shall attend the concerned police station as and when required till framing of charge.
- iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)