

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO.1243 OF 2024

Yogesh Laxman Ahire

.... Appellant

Versus

The State of Maharashtra & Anr.

.... Respondents

Mr. Bhalchandra S. Shinde, Advocate for the Appellant.

Mr. Shrikant H. Yadav, APP, for the Respondent – State.

Ms. Shiwani Kkondeka, appointed Advocate for Respondent No.2.

Mr. R. B. Khamgal, PSI, Talegaon Dabhade Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th APRIL, 2025.

P.C. :

1. The Appellant is challenging the judgment and order dated 24th October, 2024 rejected by the learned Additional Sessions Judge, Vadgaon Maval, District : Pune, (for short “learned Judge”).

2. The Appellant apprehends arrest in Crime No.343 of 2024 registered with Talegaon Dabhade Police Station, Pune for the offences punishable under Section 323, 376, 420, 495, 504 and 506 of the Indian Penal Code, 1860 (for short “IPC”) and Section 3(1)(w) (ii) and 3(2)(v) of the Schedule Castes and Schedule Tribes

(Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that the Appellant sexually assaulted the first informant on the promise of marriage, thereafter he married with her. Lateron, the first informant came to know that the Applicant was already married, he deceived the first informant stating that he was unmarried and continued physical relationship with her.

4. It is contention of learned counsel for the Appellant that physical relationship between the Appellant and first informant was consensual. The Appellant has married with the first informant. The allegations against the Appellant are that he deceived the first informant that he was unmarried. The Appellant is on interim relief for more than one year. He has co-operated with the investigation. Considering the allegations against the Appellant, his custodial interrogation is not required, and requested to allow the Appeal.

5. It is contention of learned APP along with learned counsel for the Respondent No.2 that the Appellant sexually assaulted the first informant on the promise of marriage, who belong to Schedule Cast thereafter, he married with her. Lateron, it revealed that the Appellant was married. He falsely stated that to the first informant

that he was unmarried. Considering allegations against the Appellant are that his custodial interrogation is required, and requested to dismiss the appeal.

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

7. The allegations against the Appellant are that he sexually assaulted the first informant on the promise of marriage, and he married with her stating that he was unmarried, but he was already married. The Appellant is on interim relief for more than one year. He has co-operated with the investigation. Considering allegations against the Appellant, his custodial interrogation is not required, and I pass following order:-

ORDER

- i. The order dated 26th November, 2024 passed by this Court (Coram: Sandeep V. Marne, J), is hereby confirmed.
- ii. The Appellant shall not attempt to contact the Complainant or any of the witnesses associated with the case in any manner nor shall he tamper with the evidence in the case.

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.)