

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1289 OF 2024

Yogesh Suresh Konde

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Rupesh Atul Zade, Advocate for the Appellant.

Mr. Ashok Gawai, APP for the State.

Mr. P. P. Shendge, Advocate for Respondent No.2.

PSI – M. I. Metalwad, Yavat Police Station, Pune Rural, present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 28th APRIL, 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. 1036 of 2024 registered with Yavat Police Station for the offences punishable under Section 69,89, 115(2), 352, 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023 read with Sections 3(1)(r)(s), 3(2) (va), 3(1)(w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC & ST Act”).
3. It is prosecution’s case that in December-2018 the first informant got acquainted with the appellant and they fall in love. The first informant is

of scheduled caste whereas the appellant is of upper caste. It is alleged that appellant assured first informant that he will marry with her and he would convince his parents for their marriage. It is alleged that on promise of marriage, on several occasions he sexually assaulted the first informant. It is alleged that during that period first informant became pregnant for two times but the appellant forcefully feeded her contraceptive pills and forced her for miscarriage. It is alleged that thereafter he refused to marry with the first informant on the ground of her caste.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. The sexual relations between the appellant and first informant were consensual. The last incident of sexual assault mentioned in FIR is of 29.03.2022 and the FIR was lodged on 24.10.2024. There is two years delay in lodging the FIR. The charge-sheet has been filed against the appellant. Considering these facts, custodial interrogation of the appellant is not required. The appellant has cooperated in the investigation, hence 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 several occasions with the promise of marriage. She was forced to miscarriage for two times. The appellant assaulted her and abused her on

her caste. Considering the allegations against the appellant his custodial interrogation is required. Though charge-sheet is filed, the appellant can take regular bail before the Trial Court, hence requested to dismiss the appeal.

6. I have heard all learned counsel. Perused FIR and documents produced on record. The allegations against the appellant are that from December-2018 to 2022 he sexually assaulted the first informant on the promise of marriage. During that period when the first informant became pregnant on two times he feeded her contraceptive pills and forced her to miscarriage. Thereafter when first informant insisted him for marriage, he assaulted her and threatened her that he will kill her and her family members. Considering these facts, I am not inclined to allow the appeal and I pass following order:

ORDER

- i. The appeal is dismissed.

(SHIVKUMAR DIGE, J.)