

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 44 OF 2025**

Nikita Rao @ Nitika Rao ...Appellant(s)

Versus

The State Of Maharashtra and anr. ...Respondent(s)

Mr. Amit Katarnaware along with Mr. Aditya Katarnaware and Mr. Sunny P. Rokade, Advocate for the Appellant.

Mr. Ashok R. Metkari, APP for Respondent No.1-State.

Mr. Harshwardhan M. Pawar, Advocate for Respondent No.2.

Mr. N. S. Landge, PSI, Khadakpada Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th JULY, 2025.

P.C. :

1. The anticipatory bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. The appellant apprehends arrest in Crime No. 807 of 2024 registered with Khadakpada Police station for offences punishable under Section 308(2), 352 and 351 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(d), 3(1)(r), 3(1)(s), 3(1)(u), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that the wife of the first informant was working as labourer on construction site of a building. On 12th June 2024, while working, she fell down from the under constructed building and died. The appellant is social worker. The appellant helped the first informant to recover compensation of Rs.5,10,000/- from the builder. It is alleged that the appellant demanded Rs.2,00,000/- from the first informant as her share in the amount of compensation received by the first informant. It is alleged that on 16th September 2024 at around 6.00 pm, when the first informant was present in his house, at that time, the appellant went there and demanded Rs.2,00,000/- from him. When the first informant refused to pay the amount, the appellant abused and threatened him on caste, forcibly grabbed his shirt collar, dragged him out of his house, tore his clothes, and paraded him in that state in the vicinity. It is alleged that by making frequent calls, the appellant caused mental trauma and fear in the mind of the first informant.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. The appellant had helped the first informant get the compensation amount from the builder. At the time of the incident, the appellant was not present at the incident spot. The police has not investigated the fact that whether the appellant was present at the time of the incident or not. Learned counsel further submitted that the appellant is ready to cooperate with the investigation. As per the Police Manual, the police has to make investigation about the

plea taken by the appellant but the police has not investigated it. Hence, requested to allow the appeal.

In support of his contention, learned counsel for the appellant has relied on the judgment of **Sidhartha Vashisht versus State (NCT of Delhi) reported in MANU/SC/0268/2010.**

5. It is contention of learned APP along with learned counsel for respondent No.2 that the first informant is a poor labourer. The appellant helped him to get compensation from the builder but thereafter the appellant threatened the first informant to give her share from the said compensation. On that ground, the appellant continuously harassed the first informant by making phone calls.

6. Learned APP further submitted that on the day of incident, the appellant forcibly grabbed the collar of the first informant's shirt, dragged him out of his house, tore his clothes, and paraded him in that state in the vicinity. The appellant has antecedent. Learned APP further submitted that the plea of alibi cannot be considered at the time of hearing of anticipatory bail application. Moreover, mere production of bill of any restaurant cannot be considered as plea of alibi. Learned APP further submitted that the call record of the appellant reveals that she was present at the time of the incident in the said vicinity. As the appellant threatened the first informant and abused him on caste, her custodial interrogation is required and requested to dismiss the appeal.

7. In support of his contention, learned counsel for respondent No.2 has relied on **Prathvi Raj Chauhan versus Union of India and ors. (2020) 4 SCC 727.**

8. I have heard all learned counsel, perused the FIR and documents produced on record. The allegations against the appellant are that she threatened the first informant for giving share in the amount of compensation received. It is alleged that on 16th September 2024 at around 6.00 pm, when the first informant was present in his house, at that time, the appellant came there and demanded Rs.2,00,000/- from him. When the first informant refused to pay the amount, the appellant abused and threatened him on caste, forcibly grabbed his shirt collar, dragged him out of his house, tore his clothes, and paraded him in that state in the vicinity. The first informant has no reason to file false case against the appellant as she had helped him to get the compensation. The act of the appellant of harassing the first informant and forcibly grabbing his collar, dragging him out of his house, tearing his clothes, and parading him in that state in the vicinity is serious. The appellant has abused the first informant on caste. The defense taken by learned counsel for the appellant regarding plea of alibi cannot be considered at this stage. The investigation is in progress. I have gone through the case laws cited by learned counsel for the appellant. The facts of the present case and the cited case are different. Considering the allegations against the appellant, her custodial interrogation is required and I pass following order :

ORDER

(i) The appeal is dismissed.

(SHIVKUMAR DIGE, J.)