

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 47 OF 2025

Krishna Hari Pawar And Anr. Appellants

Versus

The State of Maharashtra Respondent

Mr. Ganesh S. Patil a/w Akash Ahire a/w Prasad Vartak, for the Appellants.

Mr. Kiran C. Shinde, APP, for the Respondent – State.

Ms. Pranali Prabhakar Kamble a/w Revathkumar Thorat, for Respondent No.2.

Mr. Ashok Rajput, ACP, Panvel Division, Navi Mumbai – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th MARCH, 2025.

P.C. :

1. This appeal is preferred against the order passed by the learned Sessions Judge, Panvel in Anticipatory Bail Application No.920 of 2024 thereby the Applicant's bail application is rejected.

2. The Appellants apprehends arrest in Crime No.285 of 2024 registered with Khandeshwar Police Station, Navi Mumbai for the offences punishable under Sections 376, 376(2)(n) of the Indian Penal Code, 1860 (for short "IPC") and Sections 3(1)(W)(i)(ii), 3(2)(V) of the Schedule Castes and the Schedules Tribes (Prevention of the Atrocities) Act, 1989.

3. It is prosecution's case that Accused No.1 sexually assaulted the victim who belongs to Schedule Caste on the promise of marriage.

The Appellants are mother and father of the Accused No.1.

4. It is contention of learned counsel for the Appellants that Appellants have been falsely implicated in this case, there was no direct conversation between the victim and Appellants. It is alleged that the Appellant No.1 spoke with the victim on mobile and abused her on her caste. There are no allegations against the Appellant No.2 about abuse on caste. The Appellants are on interim relief, they have co-operated in the investigation. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that Accused No.1 is son of the Appellants'. He sexually assaulted the victim on promise of marriage. When victim contacted Appellant No.1 about marriage, the Appellant No.1 abused the victim on her caste and refused the marriage proposal.

6. Learned APP further submitted that recently two separate FIR are lodged against the Appellant No.1. If the Appellants are released on bail, they may threaten the victim and prosecution witness. Considering allegations against the Appellants their custodial interrogation is not required and requested to dismiss the Appeal.

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

8. In the FIR, the main allegations are against the Accused No.1. The Appellants are father and mother of the Accused No.1. It appears from the FIR that the victim had called Appellant No.1 on his mobile. It is alleged that the Appellant No.1 abused her on her caste. It appears from record that there was no direct conversation between the Appellants and victim. Considering these facts as well as Appellants are on interim relief and they have co-operated in the investigation their custodial interrogation is not required.

9. In such circumstances, the Criminal Appeal is allowed and disposed off in terms of the order dated 15th February, 2025, it is made absolute subject to condition that the Appellant shall report to the Investigating Officer once in a month on first Monday of every month till framing of the charge, and shall co-operate with the Investigating Agency and the Appellant shall not contact with the victim and prosecution witnesses.

10. All pending applications, if any, stands disposed of.

(SHIVKUMAR DIGE, J.)