

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 60 OF 2025

Ashwini Sachin Bidkar

.... Appellant

Versus

The State of Maharashtra and Anr.

.... Respondents

Adv. Mihir Kasliwal a/w Mr. Mahesh Pawar h/f Adv. Rahul Kasliwal,
Advocate for the Appellant.

Ms. Ranjana D. Humane, APP, Advocate for Respondent – State.

Ms. Pravada Raut a/w Mr. Abhijit Kasar, Advocate for Respondent
No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th JUNE, 2025.

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P.C. :

1. The bail application of the Appellant is rejected by the Additional Sessions Judge, Nashik, hence the Appellant before this Court by way of this Appeal.

2. The Appellant apprehends arrest in Crime No. 403 of 2024 registered with Upnagar Police Station, Nashik, for the offences punishable under Sections 376(2)(n), 504, 506 read with Section 34 of the Indian Penal Code, 1860 along with Sections 3(1)(r), 3(1)(w), 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information

Technology Act, 2000.

3. It is prosecution's case that during period 23rd April, 2021 to July, 2023, the Accused No.1 sexually assaulted the first informant on the ground of giving dealership and threatening to viral obscene photos of the first informant. It is alleged that the Appellant is sister of the Accused No.1 and she had abused the first informant on her caste, when the first informant had gone to house of the Appellant.

4. It is contention of learned counsel for the Appellant that there is two years and six months delay in lodging the complaint. The incident was not occurred in public view. No specific date of the incident is mentioned. The Appellant has been falsely implicated in this case. Learned counsel further submitted that investigation is completed and charge sheet has been filed. Hence, requested to allow the appeal.

4. It is contention of learned APP for the Respondent – State and learned counsel for the Respondent No.2 that the Appellant abused the first informant on her caste. The incident is witnessed by two eye witnesses. They have specifically stated that they had seen the incident. Learned APP further submitted that there is bar under Section 18 of the Scheduled Castes and Scheduled Tribes Act.

Learned APP further submitted that there are antecedents against the Appellant. Considering allegations against the Applicant, her custodial interrogation is required, and requested to dismiss the appeal.

5. I have all learned counsel. Perused F.I.R. and documents produced on record.

6. The allegations against the Appellant are that when the first informant had gone to the house of the Accused No.1, at that time she had abused the first informant on caste. No specific date is mentioned about this incident. The incident was occurred in the house, so it cannot be considered as public view. The evidentiary value of the two eye witnesses, witnessing the said incident can be considered at the time of trial. As no specific date is mentioned about the said incident. I am inclined to allow the appeal. Moreover, charge sheet has been filed against the Appellant and investigation is completed.

7. Considering these facts, custodial interrogation of the Appellant is not required, and I pass following order :

ORDER

- i. Appeal is allowed.

- ii. In the event of arrest, the Appellant be enlarged on bail in Crime No.403 of 2024 registered with Upnagar Police Station, Nashik, on executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii. The Appellant shall attend the concerned police station as and when required by Investigating Officer.
- iv. The Appellant shall not threaten the prosecution witnesses or any person concerned with the case
- . The appeal is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)