

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 435 OF 2025

Sumit Rajendra Khole

Appellant

versus

The State of Maharashtra and Anr.

Respondents

Ms. Suyash N. Khose a/w Siddharth Sutaria, Abhijit Aher, for the Appellant.

Ms. Anuja S. Gotad, APP, for the State.

Mr. Abhishek T. Ingale, for Respondent No.2. (Legal Aid)

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th JULY, 2025.

P.C. :

1. By this Application, the appellant is seeking regular bail in Crime No.1017 of 2024 registered with Shirur Police Station, Pune, for the offence punishable under Sections 69, 351(2), 324(4), 333 of Bhartiya Nyaya Sanhita 2023 (for short 'BNS'), under sections 3(1)(w)(i)(ii), 3(2)(v) and 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SCST Act') and under Section 7(1)(d) of the Protection of Civil Rights Act, 1955 (for short 'PCR Act').

2. It is prosecution's case that, from 12th January, 2023 to 28th September, 2024, the appellant sexually assaulted the first informant on various occasions on the promise of marriage. The first informant is of scheduled caste and the appellant is of upper caste. It is alleged that thereafter the appellant refused to marry with the first informant on the ground that she belongs to schedule caste. It is alleged that the appellant abused the first informant on her caste.

3. It is contention of learned counsel for the appellant that the sexual relations between the appellant and the first informant were consensual. The appellant never abused the first informant on caste. Investigation is completed and charge-sheet has been filed. The appellant is behind the bar more than six months. Hence, requested to allow the appeal.

4. It is contention of the learned APP along with learned Counsel for respondent No.2 that appellant sexually assaulted the first informant on various occasions on the promise of marriage. Thereafter, he refused to marry with her on the ground that she belongs to scheduled caste. Learned Counsel further submitted that if appellant released on bail, he may threaten the first informant and prosecution witnesses or he may abscond. Hence, requested to dismiss the appeal.

5. I have heard all learned counsel. Perused charge-sheet.

6. It appears that sexual relations between the appellant and the first informant were consensual. The alleged incident of abused on caste was happened in the house of the first informant. It was not in public view. The appellant is behind bar more than six months. Investigation is completed. Charge-sheet has been filed. At the time of incident, the appellant was 22 years old. Considering these facts, his further custodial interrogation is not required. Hence, I pass following order.

ORDER

(i) The Appellant- Sumit Rajendra Khole be released on bail in Crime No. 1017 of 2024 registered with Shirur Police Station, Pune, on furnishing PR bond of Rs.20,000/- with one or two solvent sureties in the like amount.

(ii) The Appellant shall not tamper with the evidence and/or influence the prosecution witnesses and victim.

(iii) The Appellant shall attend the Court dates regularly.

(iv) Appeal is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)