

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.971 OF 2025

Tanaji Baban Pawar

.... Appellant

V/s.

State of Maharashtra & Anr.

.... Respondents

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Mr.Rupesh Zade, for the Appellant.

Ms.Sneha B. Pandey a/w Mr.Sukrut Mhatre, for Respondent  
No.2 (Appointed Advocate)

Mr.Chandrakant D. Mali, APP, for the Respondent-State.

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CORAM : R.M. JOSHI, J.

DATE : 4<sup>th</sup> NOVEMBER 2025

P.C:-

. This Appeal under Section 14A of the Scheduled  
Castes and the Scheduled Tribes (Prevention of Atrocities) Act,  
1989 (for short 'SCST Act'), taking exception to the order dated  
5<sup>th</sup> August 2025 passed by the Additional Sessions Judge,  
Indapur in Special Case No.700/2025, below Exhibit-5 rejecting  
Application for bail filed by the Accused.

2. The first informant is a lady who filed report bearing  
1353 of 2023 with Indapur Police Station for the offence

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punishable under Sections 363, 376, 327, 342, 504, 506, read with Section 34 of the IPC and Section 3(1)(w)(ii), 6 and 3(2) (va) of the SCST Act.

3. It is case of the informant that, on 4<sup>th</sup> May 2023 an Appellant who is an acquaintance of the informant came to her house and called her to the agricultural field of Biju Patil. There are further allegations with regard to she being ravished by the Applicant and others. She claims that, on 6<sup>th</sup> December 2023 she came back to her place of residence and informed the incident occurred to her husband. Pursuant to lodging of FIR investigation is carried out.

4. On completion of investigation charge-sheet has been filed against the Appellant-Accused. In this backdrop Application moved for bail which came to be rejected by the Additional Sessions Judge by passing impugned order.

5. The learned counsel for the Appellant-Accused submits that there are material inconsistencies in the statement of victim and her husband as to the date which she returned back home which according to him creates doubt about the occurrence

of any incident. It is also contended that, it is improbable that the victim lodged report in respect of the incident occurred on 6<sup>th</sup> December 2023 after lapse of 25 days i.e. on 31<sup>st</sup> December 2023. According to him the statement of the victim is not supported by medical evidence. It is also claimed that the accused has no criminal history behind him. He therefore, seeks enlargement of accused on bail.

6. The learned APP and the learned counsel appearing for the informant/Respondent No.2 opposed the Application. It is their contention that, merely because there is delay in lodging the report, the version of the victim about the occurrence of the incident cannot be discarded. It is further argued that the Appellant-Accused was absconded for almost one and half year i.e. from the date of the lodging of the FIR. In these circumstances they claim rejection of Appeal.

7. There is no dispute about the fact that the investigation into the crime is over and charge-sheet has been filed before the Competent Court. The incident has allegedly occurred in the intervening night of the 4<sup>th</sup> December 2023 and

5<sup>th</sup> December 2023. The first information report however is lodged on 31<sup>st</sup> December 2023. In the first information report victim claims that she came back home on 6<sup>th</sup> December 2023 and narrated the incident to her husband. However, her husband claimed the return of the informant/victim on 30<sup>th</sup> December 2023. Moreover, prima facie perusal of the record indicates that the statement of the victim is not supported by medical evidence. Thus, except for the statement of the victim there is no corroborating evidence. The delay in lodging the Fir and the inconsistencies in statements of victim and her husband cannot be ignored. There is no criminal history against the Appellant is not likely flee from the interest of justice, if appropriate conditions are imposed.

8. The learned counsel for the victim apprehends pressurizing at the hands of the Accused as he enlarged on the bail. The learned counsel for the Appellant make statement staying away of entire Taluka-Indapur till conclusion of the Trial. The statement is accepted as undertaking. This will take care of the apprehension of the victim.

9. The learned Additional Sessions Judge has failed to take into consideration the afore-stated aspects and was not justified in rejecting the Application for bail. As such order impugned deserves interference. Hence, order.

### **ORDER**

- (i) Appeal stands allowed.
- (ii) Application for bail filed before Special Court stands allowed.
- (iii) The Appellant-Accused-Tanaji Baban Pawar, be released on bail on furnishing a P.R. Bond of Rs.15,000/- with one surety in the like amount.
- (iv) Appellant not to directly or indirectly contact victim or her family.
- (v) Appellant not to enter the area of Taluka Indapur, till conclusion of trial except for attending the date of attending the hearing of the said case.
- (vi) Any breach of the conditions would forthwith result cancellation of the bail.

**(R.M. JOSHI, J.)**