



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO. 740 OF 2024

APPELLANT

Goccha @ Lokesh Durgesh Waghade,
Aged about 24 years, Occu: Labour,
R/o Annabhau Sathe Nagar, Katol,
Tah. Katol, District Nagpur.

-VERSUS-

RESPONDENTS

- 1] State of Maharashtra through,
Police Station Officer, Katol, Nagpur.
- 2] Sujata Pursuhottam Hirekar,
Aged about 36 years, R/o Naigaon
Chinchada, Tah. Katol, District
Nagpur.

Mr. Suresh L. Raut, counsel for appellant.
Ms M.A.Barbde, APP for respondent/State.
Ms F.N. Haidari, counsel (appointed) for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 24/02/2025

ORAL JUDGMENT :

1. Heard.
2. **Admit.** Heard finally with the consent of learned
counsels appearing for the parties.

3. By preferring this appeal, the appellant has challenged the order passed by the Additional Sessions Judge-13 and Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Nagpur, rejecting the bail application of the present appellant for grant of bail.

4. The complainant lodged the complaint on 19/03/2024, stating therein that she was having a love affair with the present appellant, and thereafter, as there was a rift between both of them, she decided to discontinue the said relationship, but the present appellant started harassing her by visiting her house repeatedly. Several offences are registered against the present appellant at Police Station Katol, and he had been to jail on several occasions. On 18/03/2024, when the complainant was at home with a children at about 5.00 p.m., the present appellant came to her house. At that time, the complainant restrained him and also asked him not to visit her house. The appellant forcefully entered the house and started assaulting her with fist and kick blows and threatened her that if she did not allow him to come to her house, he would kill her. Hence, the complainant allowed him to enter the house; thereafter, the appellant assaulted her by means of fist

blows and threatened her. On 19/03/2024, at about 8.00 a.m., the complainant called her brother and informed him about the said incident. Thereafter, the appellant also visited her house on 18/03/2024 and started abusing her in filthy language. He broke the window of the house of the complainant and entered the house and also set the house on fire. On the basis of the said report, police have registered the crime. After registration of the crime, the appellant approached the Special Judge for grant of bail, but the Special Judge has rejected the application, and hence this appeal.

5. Heard learned counsel for the appellant, who submitted that as far as the allegations are concerned, which are levelled only to implicate the present appellant in a false offence. He submitted that the complainant was demanding some amount from her, and therefore, he has not fulfilled the said demand, and therefore, he is falsely implicated. He submitted that the investigation is already completed. The charge sheet is already filed. As far as the provisions of the Atrocities Act are concerned, there is no specific allegation that she was abused on her caste. Considering all these aspects, the appellant be released on bail.

6. Learned APP and learned counsel for the complainant strongly opposed the said application on the ground that there are 19 offences are registered against the present appellant, if he is released on bail, he would tamper with the prosecution evidence and would hamper the investigation. In view of that, the appeal deserves to be dismissed.

7. After hearing both sides and on perusal of the investigation papers, it reveals that there was a consensual relationship between the complainant and the present appellant. The same relationship was broken subsequently, and the dispute arose between them. Out of the said dispute, the alleged incident has taken place. As far as the allegation against the present appellant is concerned, he has assaulted by fist and blows, which is substantiated by the statement of the informant as well as her children. The investigation is already completed, and the charge-sheet is already filed. As far as further incarceration is concerned, which is not required. Mere criminal antecedents are not sufficient to reject the application of the present appellant for bail. However, considering the apprehension raised by the State, some conditions are required to be imposed. In view of that, the appeal deserves to

be allowed. Accordingly, I proceed to pass the following order.

- a] The appeal is **allowed**.
- b] The order dated 21/10/2024 passed by the Additional Sessions Judge-13 and Special Judge under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Nagpur is hereby quashed and set aside.
- c] The appellant- Goccha @ Lokesh Durgesh Waghade, shall be released on bail in connection with crime No.211/2024 for the offence punishable under Sections 452, 436, 323, 504, 506 of the Indian Penal Code, 1860 read with Section 3(1)(r), 3(2)(v),3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- d] The appellant shall not enter into the vicinity of Naigaon Chinchada, Tah. Katol, District Nagpur till the culmination of the trial.

- e] The appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
 - f] The appellant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
 - g] The fees of the appointed counsel be quantified as per rule.
8. The criminal appeal is **disposed of**.

[URMILA JOSHI-PHALKE, J.]