



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

CRIMINAL APPEAL (APEAL) NO. 751 OF 2024

Tanmay S/o. Shyam Tatewar,
Aged : 21 Yrs., Occu.: Education,
R/o. Sant Tukdoji Maharaj,
Hinganghat, Tah. Hinganghat,
Distt. Wardha

.... APPELLANT

// V E R S U S //

1 **State of Maharashtra,**
Through P.S.O. Brambhapuri,
Dist. Chandrapur

2 **X.Y.Z.,**
Victim in Crime No. 459 of 2024
at P.S.O. Brambhapuri,
Dist. Chandrapur

... RESPONDENTS

Mr M. V. Rai, Advocate for the appellant
Mr A. M. Ghogare, APP for respondent No.1/State
Mr S. D. Umredkar, Advocate (appointed) for respondent No.2

CORAM : G. A. SANAP, J.
DATE: 07/02/2025

OR A L J U D G M E N T :

1. Heard.
2. **ADMIT.** Taken up for final disposal with consent
of learned Advocates for the parties.

3. This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act') against the order dated 09.12.2024 passed by the learned Additional Sessions Judge, Chandrapur, whereby the learned Judge rejected the anticipatory bail application made by the accused/appellant.

4. The learned advocate for the appellant submitted that the victim girl, on her own, accompanied the appellant at various places including Mumbai. They had plan to marry. It is submitted that they are from different castes and therefore, the consent was not accorded by their family members. It is submitted that when the police apprehended him, the victim girl lodged the report. The learned Advocate would submit that there is no allegation with regard to the commission of an offence under the Atrocities Act. It is submitted that the custodial interrogation is not necessary. He is ready to co-operate police. It is submitted that he is ready to abide by the

conditions that may be imposed by the Court.

5. Learned APP and the learned appointed Advocate for respondent No.2 would submit that the entire episode of kidnapping and other offences, committed by the appellant, has been narrated in great detail in the report. The appellant, in the submission of the learned Advocates, under the threat, kidnapped her. She was beaten on more than one occasion by the appellant when she tried to escape from the custody of the appellant. She tried to establish the contact with her sister but it was of no help. It is submitted that the investigation is at a nascent stage. The police would be required to go to various places to conduct the investigation and for that purpose the custody of the accused is necessary.

6. I have gone through the record and proceeding. I have perused the FIR. It appears that for almost one month and five days the appellant and the victim were together. First they came to Nagpur. From Nagpur, they went to

Visakhapatnam. From Visakhapatnam they went to Mumbai. They took a room on rent at Mumbai and stayed there. The appellant and the victim girl are pharmacists. It has been stated in the reply that the appellant used his good offices and secured a job for the victim in a company. She served in the company for few days. It is further apparent that from Mumbai they came back to Nagpur. From Nagpur they went to Hinganghat. They were planning to perform register marriage. It is evident that for some reason or the other, their plan could not be materialized and therefore, again they went to Mumbai by plane. It is apparent that the journey from Nagpur to Visakhapatnam was by train. The journey from Visakhapatnam to Mumbai was by train. The journey from Mumbai to Nagpur was by plane and again came from Nagpur to Mumbai by plane. It is further evident that third time when they realized that the police are chasing them they came back to Nagpur by plane. In my view, above-stated facts which are apparent from the report of the victim cannot be glossed over. These facts need to be considered while deciding the fate of the

appeal. The victim on the date of report was 21 years old. Both are pharmacists. They had plan to marry. It appears that due to the intervention of the family members of the girl their marriage could not be materialized. The victim girl on being handed over in the custody of the parents changed her mind and lodged the report. It is submitted that the false report was lodged at the instance of the family members of the victim girl. While deciding this appeal one fact which has to be kept in mind is that there is no allegation of sexual assault. In my view, this is a circumstance in favour of the appellant, at least at this stage. In view of this factual position, I am of the view that this is a fit case to exercise the discretion in favour of the appellant. The apprehension *put forth* by the learned APP and Advocate for the respondent No.2 can be taken care of by imposing appropriate condition. Hence, the following order:

- i] The criminal appeal is allowed.
- ii] The order dated 09.12.2024 passed by the learned Additional Sessions Judge, Chandrapur is quashed and set aside.

iii] The Misc. Criminal Bail Application No. 743 of 2024 is allowed.

iv] It is directed that in the event of arrest of the appellant- Tanmay S/o. Shyam Tatewar in connection with Crime No.459 of 2024, registered with Police Station Bramhapuri, District Chandrapur for the offences punishable under Sections 115(2), 127(2), 351(2), 351(3) and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 the appellant shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

v] The appellant shall not in any way tamper with the prosecution evidence.

vi] The appellant shall not pressurize or threaten the prosecution witnesses.

vii] The appellant shall attend the concerned police station on every alternate day between 7:00 p.m. and 9:00 p.m.

viii] The appellant shall co-operate the investigating officer.

7. The learned appointed advocate for respondent No.2 be paid professional fees as per rules.

8. The criminal appeal stands **disposed of**, accordingly. Pending applications, if any, also stand disposed of.

(G. A. SANAP, J.)

Namrata