



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

CRIMINAL APPEAL NO. 499/2025

Ganesh Balu Konge Vs. State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Pritesh Atkar, Advocate for the Appellant.
Mr. Ujjwal Phasate, A.P.P. for the Respondent/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 09/10/2025.

. Heard.

2. Issue notice to respondent, returnable on 10.11.2025.

3. The learned A.P.P. waives service of notice for Respondent/State.

4. Investigating Officer to serve the respondent No.2.

5. The appellant has apprehension of arrest in Crime No.392/2025 registered with Police Station Mangrulpir, District Washim for the offences punishable under Sections 3(2)(v), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 3(5), 352(3), 352(2), 140(3), 138, 64 of the Bharatiya Nyaya Sanhita, 2023.

6. The victim, who is married lady came in contact with the accused No.1. The allegations made against this appellant are that the appellant and accused No.2 took the victim along with her son to the house of the accused No.2 where both of them had sexual relations with her by keeping her son in another room. They took the videos of

said incident and gave threat of making it viral.

7. The learned Counsel for the appellant has stated that the co-accused is released on bail. The improbable story is narrated by the victim about rape on her when the wife of the accused No.2 was present and the allegations are made that he has also raped her. She had not disclosed it for three months and thereafter, has lodged a complaint stating that though the appellant was knowing that she is of particular caste, the appellant had committed said offence. Hence, the crime is registered.

8. The learned A.P.P. opposed the appeal stating that the specific allegations against this appellant are made that he had taken the videos in his mobile. The offence is committed by both the accused persons. The Atrocity Act is there. Considering the role of this appellant and as both of them had sexual relations with her, she is pregnant, the custodial interrogation of this appellant is necessary for medical examination. Hence, prayed to reject the appeal.

9. Heard both the learned Counsel for the respective parties.

10. From the First Information Report itself it appears that the victim has narrated said incident after three months. She has narrated in First Information Report that, on the call of the appellant, she used to go with him and had sexual relations. She has alleged that threats given by him about making her video viral. The first incident which she has narrated is occurred when she was with her son and the wife of the other co-accused was present in the house, at that time, both the accused had sexual relations with her, which appears improbable.

11. Considering the allegations made against this appellant, the case is made to protect the appellant by granting *ad interim* anticipatory bail. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the appellant in connection with Crime No.392/2025 registered with Police Station Mangrulpir, District Washim for the offences punishable under Sections 3(2)(v), 3(2)(va), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 3(5), 352(3), 352(2), 140(3), 138, 64 of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

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

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

iv] The appellant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

v] The appellant shall co-operate the investigation officer.

The protection shall remain in force till
next date.

(MRS. VRUSHALI V. JOSHI, J.)

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