



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

CRIMINAL APPEAL NO. 62 OF 2026

AKASH S/O SANJJAY DESHKARI
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 order

Shri R.M.Daga, Advocate for appellant.
Shri B.M.Lonare, APP for respondent/State.

CORAM : NEERAJ P. DHOTE, J.
DATE : 13/03/2026

Heard the learned counsel for the Appellant and the learned APP for the State.

2. The Appellant is the accused in Crime No. 25/2026 registered with the Darwha Police Station, District Yavatmal for the offences punishable under Sections 333, 74, 352 of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and for the offences punishable under Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(r) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act').

3. It is the case of prosecutrix that, from last one year, the Appellant had been calling her repeatedly and expressed his liking towards her. On 22nd January 2026, at around 1.30 p.m. in the cattle shed of her house, the Appellant caught hold the Respondent No.2 and outraged her modesty. When the prosecutrix resisted, the Appellant threatened her and in the meanwhile, the husband of the

Respondent No.2 came on the spot. The incident was reported to the police and the aforesaid crime came to be registered.

4. This Court, by order dated 10/02/2026, granted the interim protection to the Appellant. The relevant observations from the said order is reproduced below:-

“6. The FIR shows that the Respondent No.2 was a married woman. It further shows that, the Appellant and Respondent No.2 were known to each other. Though, there was an incident prior to six months of the FIR, no report was lodged by the prosecutrix. As regards the incident dated 22nd January 2026 is concerned, it took place in the cattle shed of the house of the Respondent No.2. This prima facie shows that, the place was not the public place and the incident was not within the public view. The Appellant has further raised a contention that there is an outstanding amount of Rs. 75,000/- against the husband of Respondent No.2 towards the purchase of fertilizers and pesticides from his shop and to avoid repayment of the said amount false case was registered.

7. Considering all the aspect of the matter, false implication cannot be ruled out. Hence, I proceed to pass the following order:

“ORDER

(i) Issue notice to the Respondents, returnable on 25/02/2026.

(ii) Learned APP waives the service of notice for the Respondent-State.

(iii) In the event of arrest, Appellant- Akash

Sanjay Deshkari, he be released on bail in connection with Crime No.25 of 2026, registered for the offence punishable under Sections 333, 74, 352 of Bharatiya Nyaya Sanhita, 2023 and for the offence punishable under Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(r) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing his P.R. Bond in the sum of Rs.25,000/- (Twenty Five Thousands only) with one surety in the like amount.

(iv) Bail before the Trial Court.

(v) The Appellant shall not temper with the prosecution evidence in any manner.”

5. The reply is filed by the Investigating Officer. The Appeal is opposed mainly on the ground that, the investigation is at the initial stage, and there is a likelihood of the accused tampering with the witnesses, as well as the possibility of non-cooperation by the Appellant.

6. The Appellant has attended the concerned Police Station. It is not the case of the Investigating Officer that, there was a breach of the conditions imposed in the interim order. Considering the facts and circumstances of the case and the reply filed by the Investigating Officer, I am inclined to confirm the interim order. Hence, the following order:-

ORDER

I) The Appeal is **allowed**.

- II) The impugned order dated 30/01/2026 passed by the learned Special Judge (cases under SC & ST (POA) Act), Darwaha in Cri. Bail Application No. 12/2026, is hereby quashed and set aside.
- III) The Interim Order dated 20/02/2026 is confirmed.
- IV) Accordingly, the Appeal stands **disposed of**.

(NEERAJ P. DHOTE, J.)

B.T.K.