

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL STAMP NO. 24175 OF 2025**

Roheet Kishorrao Wave ... Appellant

versus

The State of Maharashtra & Anr. Respondents

.....

Mr. Chinmay Patil a/w. Mr. A.K.Pardeshi i/b. Mr. Puskkar Patil, Advocate for the Appellant.

Mr. Ashok Gawai, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 4th DECEMBER, 2025.

P.C. :

1. Learned APP on instructions, makes statement that respondent No.2 is duly served. Respondent No.2 had disclosed her intention to appoint Advocate. However, neither respondent No.2 nor her Advocate is present before this Court. This indicates that respondent No.2 does not intend to oppose the application.

2. The appellant is intending to appear for examination on 08.12.2025 and 12.12.2025 for BBA Semester -V examination. Having regard to the fact that unless the liberty of the appellant is protected he is likely to be arrested in connection with Crime No. 426 of 2025 and consequently he

would not be in a position to cause appearance for examination, which will lead to loss of his academic year and the same cannot be compensated in future. Hence application is considered for limited purpose of grant of protection to enable appellant to appear for examination.

3. Learned counsel for the appellant submits that prima facie perusal of the First Information Report (FIR) does not indicate any offence being committed by the appellant under Bhartiya Nyaya Sanhita (“for short BNS Act”) as well as Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short “SC & ST Act”). It is his submission that the allegation of the rape has been leveled against the accused No.1 and not against the appellant. It is his further submission that in the FIR there is absolutely no evidence indicating the appellant making comments and insulting the informant over her caste. Learned counsel for the appellant submits that alleged incident in supplementary statement is said to have occurred in the flat belongs to the appellant’s parents and hence not in public view and hence no offence under the Act.

4. Learned APP opposed the grant of any interim relief on the ground that formal statement indicates that the appellant herein abused the victim over her caste and as such offence under the SC & ST Act is made out against appellant.

5. Prima facie perusal of FIR does not disclose any offence of rape or

sexual assault against the appellant. Similarly, in view of Judgment of Hon'ble Supreme Court in the case of *Hitesh Verma Vs. State of Uttarkhand*¹ since the alleged offences are not in public view, prima facie embargo of Section 18 of Act would not apply.

6. Having regard to the aforesaid facts, this Court finds substance in the contention of the learned counsel for the appellant that to enable him to cause appearance in the examination, his liberty deserves to be protected atleast for a limited period. In view of above, following order:

ORDER

- (i) In the event of arrest of the appellant in connection with the C.R.No. 426 of 2025 registered with Warje Malwadi Police Station, Pune the appellant be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- with one surety in the like amount.

7. The interim relief granted shall remain in force till next date of hearing.

8. Stand over to 15th December, 2025.

9. Learned APP to inform this order to the concerned police station.

(R. M. JOSHI, J.)

¹ AIR 2020 SC 5584