

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.461 OF 2017

Shri Ravi Laxman ShindeAppellant
versus
The State of MaharashtraRespondent

with
CRIMINAL APPLICATION NO.834 OF 2017
IN
CRIMINAL APPEAL NO.461 OF 2017

Pooja Kailas LalbagApplicant
In the matter of :
Shri Ravi Laxman ShindeAppellant
versus
The State of MaharashtraRespondent

Mr. Sanjeev P. Kadam, advocate for the appellant.
Mr. A. R. Kapadnis, APP for the State.
Ms. Sangeeta S. Salvi, advocate for the applicant in criminal application
No. 834 of 2017.

CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.

DATE : 9th AUGUST, 2017.

P. C. :

Heard Mr. Kadam, learned counsel for the appellant, Mr. Kapadnis, learned APP for the State and Ms.Salvi, learned counsel for the applicant.

2. The appellant being aggrieved by the impugned order rejecting his anticipatory bail application has approached this Court by way of the aforesaid appeal. On the basis of the report of one Pooja Kailas Lalbag, FIR bearing CR No.27 of 2017 was registered with

Mahabaleshwar Police Station against the appellant for the offences punishable under Section 306 of the Indian Penal Code, 1860 and Sections 3(1) and 3(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short “the Atrocities Act”).

3. We have gone through the FIR. The FIR reveals that the complainant belongs to Hindu Bhangi Caste (Scheduled Caste) and the complainant's sister was in love relationship with the appellant. The complaint further discloses that since the appellant refused to marry the complainant's sister, she committed suicide. The provisions of the Atrocities Act are made applicable only on the ground that the deceased belonged to Hindu Bhangi Caste (Scheduled Caste).

4. In our opinion, in the above circumstances, the provisions of the Atrocities Act are not attracted and, therefore, the appellant is entitled to anticipatory bail. The impugned order dated 6th May, 2017 passed by the learned Special Judge and Additional Sessions Judge, Satara in criminal bail application No.198 of 2017 is, accordingly, quashed and set-aside. The appeal is allowed and disposed off as such.

5. In the event of arrest of the appellant in CR No.27 of 2017, he shall be enlarged on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount in the trial Court.

6. The criminal application No.834 of 2017 for intervention stands disposed off.

(SMT. SADHANA JADHAV, J.)

[RANJIT MORE, J.]