

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 597 OF 2017

Sainath Sambhaji Babar	Appellant
versus	
The State of Maharashtra	Respondent

**with
CRIMINAL APPLICATION NO. 1116 OF 2017
IN**

CRIMINAL APPEAL NO. 597 OF 2017

Sainath Sambhaji Babar	Appellant
versus	
The State of Maharashtra	Respondent

Mr. Aniket Nikam i/b. Mr. Ashish Satpute, advocate for the appellant.
Mr. A. R. Kapadnis, APP for the State.
Mr. Pravartak Pathak, advocate for the intervenor/applicant in criminal application No.1116 of 2017.

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

DATE : 9th AUGUST, 2017.

P. C. :

Heard Mr. Nikam, learned counsel for the appellant, Mr. Kapadnis, learned APP for the State and Mr. Pathak, learned counsel for the intervenor.

2. The appellant is an accused in FIR bearing CR No.3060 of 2017 registered with Kondhawa Police Station at Pune. The subject FIR is registered at the instance of one Keru Jagtap for the offence punishable

under Sections 3(1)(v) [new Section 3(1)(g)] of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short “the Atrocities Act”). Mr. Kapadnis, learned APP, having taken instructions, stated that subsequently Section 3(2)(v) of the Atrocities Act is added in the FIR.

3. The appellant preferred criminal bail application No.2025 of 2017 for anticipatory bail which came to be rejected by the learned Additional Sessions Judge, Pune, by his order dated 10th July, 2017, and, therefore, aggrieved by the said order, the appellant has approached this Court.

4. We have gone through the statement of the first informant – Keru Jagtap. In the FIR, the complainant alleged that the appellant threatened him to sell his property or face dire consequences. Prima facie, in our view, the provisions of Section 3(1)(g) of the Atrocities Act have no application inasmuch as there is no wrongful dispossession of the complainant or interference in his right of enjoyment of the said property. In so far as the offence under Section 3(2)(v) of the Atrocities Act is concerned, the FIR does not disclose commission of any cognizable offence under the Indian Penal Code, 1860 and, therefore, this section is not attracted.

5. Having taken the totality of the facts and circumstances into consideration, in our opinion, a case for anticipatory bail is made out. We, accordingly, dispose off the appeal by passing the following order :

1. The appeal is allowed. Consequently, the impugned order dated 10th July, 2017 passed in criminal bail application No. 2025 of 2017 by the learned Additional Sessions Judge, Pune, is quashed and set-aside.

2. In the event of arrest of the appellant in FIR bearing CR No.3060 of 2017 registered with Kondhawa Police Station at Pune, 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.1116 of 2017 for intervention stands disposed off.

(SMT. SADHANA JADHAV, J.)

[RANJIT MORE, J.]