

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

CRIMINAL APPEAL NO. 09/2018

Dhananjay S/o Atmaram Sarnaik
..VS..
State of Maharashtra & anr.

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

Court's or Judge's orders

Shri A.M. Jaltare, Advocate for the appellant
Ms. S.V. Kolhe, APP for the respondent no. 1

CORAM : Z.A.HAQ, J.
DATED : 28/08/2018

Heard.

This appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is filed by the appellant/accused to challenge the order passed by the Sessions Court rejecting his application praying that the respondent no. 1 be directed to release the appellant/accused on pre-arrest bail. Notice of this appeal is served on the respondent no. 2 (Victim). None appears for the respondent no. 2.

Though the prayer made on behalf of the appellant/accused for directions to the respondent no. 1 to release him on pre-arrest bail is opposed by the learned APP, the fact that the appellant/accused is granted interim protection by this Court by order dated 10/01/2018, the respondent no. 1 has filed its reply on 15/02/2018, the appeal could not be heard and was adjourned on several occasions, neither the respondent no. 1/State nor the respondent no. 2 /Victim has made any complaint about misuse of liberty by the appellant/accused.

In view of the facts, in my view, without delving into the rival contentions on merits, the interim protection granted by this Court on 10/01/2018 is required to be confirmed.

Hence, the following order is passed:-

a) In the event of arrest, in connection with Crime No. 399/2017, registered by the respondent no. 1, the appellant be released on bail on furnishing P.R. Bond for Rs. 20,000/- (Rs. Twenty Thousand only) and one solvent surety in the like amount.

The appeal is allowed accordingly.

JUDGE

Ansari