

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1342 OF 2018

VIKRAM BALU KHARADE)...APPELLANT

V/s.

**1) STATE OF MAHARASHTRA)
2) BHARAT RAMCHANDRA JAMNE)...RESPONDENTS**

WITH

CRIMINAL APPEAL NO.1345 OF 2018

BHUPAL FAKIR SHNDE)...APPELLANT

V/s.

**1) STATE OF MAHARASHTRA)
2) BHARAT RAMCHANDRA JAMNE)...RESPONDENTS**

WITH

CRIMINAL APPEAL NO.1346 OF 2018

CHANDRAKANT FAKIR SHINDE)...APPELLANT

V/s.

**1) STATE OF MAHARASHTRA)
2) BHARAT RAMCHANDRA JAMNE)...RESPONDENTS**

WITH

CRIMINAL APPEAL NO.1347 OF 2018

ARUN SHANKAR SHINDE)...APPELLANT

V/s.

**1) STATE OF MAHARASHTRA)
2) BHARAT RAMCHANDRA JAMNE)...RESPONDENTS**

Mr.Manoj Patil, Advocate for the Appellants.

Ms.Megha Bajoria, Advocate for Respondent No.2.

Mr.V.B.KondeDeshmukh, APP for the Respondent - State.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 18th MARCH 2019

JUDGMENT :

1 By this appeals, the appellants/accused persons in Crime No.87 of 2018 registered with Hathkanangale Police Station, District Kolhapur, for offences punishable under Sections 395, 324 and 504 of the Indian Penal Code as well as under

Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are challenging the orders dated 24th September 2018 passed by the learned Special Judge, Kolhapur, thereby rejecting their applications for anticipatory bail bearing Nos.684 of 2018 and 701 of 2018.

2 Heard the learned counsel appearing for the appellants/accused persons. He argued that there is no evidence to infer complicity of the appellants/accused persons in the crime in question. He argued that no offences punishable under the penal clauses of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out against the appellants/accused persons, and therefore, they are entitled to be released on bail, in the event of their arrest.

3 As against this, the learned APP supported the impugned orders rejecting the anticipatory bail by contending that offence of atrocities is made out, and therefore, in view of bar

created by Section 18 and 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants/accused persons are not entitled for anticipatory bail.

4 Ms.Bajoria, the learned counsel appearing for respondent no.2/First Informant opposed the claim of the appellants/accused persons for grant of anticipatory bail by contending that in view of bar of Section 18 as well as 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants/accused persons are not entitled for anticipatory bail.

5 We have considered the submissions so advanced and also perused the material placed on record. The First Information Report (FIR) of the crime in question is lodged on 29th March 2018 by Bharat Jamne. He belongs to Scheduled Caste Mahar. According to the prosecution case, work of erecting pandal on occasion of marriage of son of Bhupal Fakir Shinde was going on 28th March 2018. Workers erecting the pandal had cut some

branches of tree situated in front of house of First Informant Bharat Jamne. He objected cutting of branches. Therefore, the appellants/accused persons along with co-accused threatened him. Subsequently, at about 10.30 p.m. of 29th March 2018, the appellants/accused persons formed an unlawful assembly and indulged in threatening First Informant Bharat Jamne. Apart from this, they had assaulted Sagar Jamne – brother of First Informant Bharat Jamne and snatched his gold chain and gold ring.

6 The appellants/accused persons have committed scheduled offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Their complicity in the crime in question is seen from the material gathered by the Investigator during the course of investigation. In this view of the matter, in view of bar of Section 18 as well as 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants/accused persons are not entitled for anticipatory bail. No infirmity can be found in the impugned order passed by the learned Special Judge, Kolhapur, rejecting the

application for anticipatory bail moved by the appellants/accused persons. Hence, the order :

ORDER

The appeals are dismissed.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)