

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

CRIMINAL APPEAL NO.824 OF 2019

Navnit Vilasrao Jadhav & Ors. Appellants

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Rahul Sopanrao Kate for the Appellants.

Mr. S.R. Agarkar, APP for the State

Mr. Sandeep S. Salunkhe for Respondent no.2.

Mr. D.G. Bhakare, ASI, Daund Police Station, Pune.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 20th August 2019

P.C.:

1. Heard the respective counsel.
2. The learned counsel appearing for respondent no.2, the original complainant vehemently submits that in fact there is a bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for granting pre-arrest bail and therefore, the appellants do not deserve pre-arrest bail.
3. It is a matter of record that this is not an application under Section 438 of Code of Criminal Procedure, but this is an

appeal under Section 14-A of the SCST Act. It is, therefore, necessary to appreciate the material collected by the investigating agency in the course of investigation. Learned counsel for the complainant has further stated that the appellants had not only humiliated the complainant but had also assaulted him. However, upon perusal of the F.I.R., it appears that the threats were extended to the complainant and that they had assaulted with fist and kick blows. The injury certificate collected in the course of investigation shows history of backache, following assault and contusion on lower lip and abrasion just above scapula on right side.

4. By an order dated 3rd July, 2019, the appellants were granted interim protection and this Court had considered all the papers of investigation and thereafter granted interim relief. It is specifically observed that there is a political colour to the dispute that has arisen between the complainant and the appellants on 26th May, 2019. The incident has occurred in a wedding ceremony. It is also seen that the results of Loksabha elections were declared on 21st May, 2019 and that in the recent Loksabha elections, the wife of the M.L.A. of Rashtriya Samaj

Party had lost the election and the candidate of N.C.P. had won the Loksabha Seat and therefore, according to the learned counsel for the appellants, the appellants had no reason to disgruntle against the complainant and in fact it could be otherwise. However, it would be necessary to maintain communal harmony in the village. It appears that since 26th May 2019, there is no untoward incident reported between the parties and hence the order dated 3rd July 2019 deserves to be confirmed on same terms and conditions.

5. The appeal stands disposed of.

(Smt. Sadhana S. Jadhav, J)