

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

CRIMINAL APPEAL NO. 803 OF 2018

Sachin Maruti Gunda & Ors.

...Appellants

Versus

The State of Maharashtra & Anr.

...Respondents

Kuldeep Patil i/b Prashant S. Hagare - Advocate for the appellant.

Suryakant Lavte – Advocate for the Respondent – 2.

Mrs. J. S. Lohakare – APP for the Respondent – State.

S. S. Waghamode, PSI, Yavat Police Station.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 22nd JULY 2019.

P.C. :

As the record reveals, the Government acquired the accused's property and allotted it to the second respondent-informant, who belongs to Schedule Caste. Despite their losing rights over the property, the accused have tried to trespass of the property.

2. Apprehending arrest, the appellants have filed Criminal Bail Application No. 408 of 2018, before the Court of the learned Additional District and Sessions Judge, Baramati. The

learned Judge, by his order dated 22.06.2018, rejected the application.

3. Aggrieved, the appellants have filed this appeal under Section 14 A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act ("the Atrocities Act.")

4. This Court, through an order dated 29.06.2018, granted an interim bail; it is still in force.

5. Now, on instructions, the learned APP informs the Court the police have already seized the title deeds from the accused; they have secured the property, too. According to her, the investigation has almost been completed, save the formality of the police's filing the charge-sheet.

6. The learned counsel for the informant has, however, submitted that the informant's family is still facing a threat from the accused. So he insists that until Police file the charge-sheet, the accused should be kept away from the village.

7. In reply, the appellants' counsel has submitted that two of the accused are the first accused's wife and sister. Even if all the allegations were believed, they concern, he stresses, only the first accused.

8. Under these circumstances, the interim bail granted on 29.06.2018 is made absolute subject to, besides the earlier conditions, this additional condition:

The appellant No. 1 should keep away from the village until the police file the charge-sheet. When the first accused-appellant is out of the village, he should provide his alternative address to the police.

All the accused should attend the police investigation whenever the police require their presence.

With the above directions, I dispose of the Criminal Appeal No. 803 of 2018.

[DAMA SESHADRI NAIDU, J.]