

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.965 OF 2017

Sapana Korde Nee Ketaki A. Ghodinde

Age : 40 years, Occ. Service

Residing at 104, Aquila Lake View,

Ramnagar Colony, Bavdhan,

Pune 411 021.

... **Appellant**

V/s.

1 The State of Maharashtra
(At the instance of Sr. P.I.
Khadki Police Station, Pune.

2 Bhaskar Karbhari Gaikwad,
B/6, ABC Employees CHS No.2,
Opposite Dr.Panvalkar Hospital,
Pavana Nagar, Chinchwad, Pune. ... **Respondents**

.....

Mr.Niranjan Mundargi i/b. Mr.Prasanna A. Bhangale, Advocate for
the Appellant.

Mrs.M.R.Tidke, APP for the Respondent/State.

Mr.Nilesh Y. Ukey, Advocate for the Respondent No.2.

....

CORAM : A.M.BADAR J.

DATED : 9th JANUARY 2019.

ORAL JUDGMENT :

1 Leave to amend. The amendment be effected
forthwith.

2 Heard.

3 Admit.

4 Heard finally considering the fact that the application is challenging the Order rejecting the application for anticipatory bail moved by appellant/accused Sapana Korde @ Ketaki A. Ghodinde, Assistant Professor working with the College of Engineering, Pune.

5 By this appeal, the appellant/accused Sapana Korde is challenging the Order dated 15/11/2017 thereby rejecting her claim for grant of pre-arrest bail in Crime No.3210/2017 registered with Police Station, Khadki for offences punishable under Sections 167, 177, 182, 211, 500 read with Section 34 of the Indian Penal Code as well as under Section 3(2)(p), 3(2)(q) and 3(2)(vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'Atrocities Act' for the sake of brevity).

6 Facts in brief leading to the registration of the crime in question and consequent rejection of the application for anticipatory bail moved by the appellant/accused Sapana Korde, Assistant Professor working with the College of Engineering, Pune are thus :

- (a) First Informant/respondent No.2 Bhaskar Karbhari Gaikwad, who, at the relevant time, was working as the Storekeeper with the College of Engineering, Pune had lodged report against accused persons including appellant/accused Sapana Korde with Police Station Nigdi on 02/11/2017. This FIR has resulted in registration of the subject crime No.3210 of 2017. First Informant/respondent No.2 Bhaskar Gaikwad, in his FIR has alleged that previously at his instance Crime No.164 of 2016 came to be registered against the in-charge Director of Technical Education of the State of Maharashtra namely Subhash Mahajan and that matter was pending for sanction under Section 197 of the Code of Criminal Procedure with the State Government. First Informant/respondent No.2 Bhaskar Gaikwad further averred that this Court had dismissed petition of said Subhash Mahajan for quashing the proceedings of Crime No.164 of 2016. Thereafter, accused persons namely B.B.Ahuja, the Director, Girish Joshi, the Administrative Officer of the College of Engineering, Pune and the appellant/accused Sapana Korde indulged in criminal conspiracy for compelling First Informant/respondent No.2 Bhaskar Gaikwad to withdraw the FIR in Crime No.164 of 2016 registered against the in-charge Director of Technical Education Subhash Mahajan. For this purpose, according to First Informant/ respondent No.2 Bhaskar Gaikwad, these accused persons started legal process to defame him. It is

further averred in the subject FIR that on 06/05/2017, appellant/accused Sapana Korde, Assistant Professor lodged a false complaint against him by email. B.B.Ahuja and Girish Joshi then ordered inquiry of that complaint by a Committee constituted for prevention of sexual harassment of women at the work place. It is further averred in the FIR that on 31/05/2017, Professor Smt.Neela Rajhans informed the First Informant that no sexual harassment took place. With this, First Informant/respondent No.2 Bhaskar Gaikwad reported that only to pressurize him to withdraw the FIR lodged by him against the in-charge Director of the Technical Education Department namely Subhash Mahajan, the action of lodging complaint against him and the consequent actions were taken by the accused persons. This was done to screen said Subhash Mahajan from legal punishment, which might have been inflicted on him under the provisions of Atrocities Act. It is further averred in the FIR that there is threat to life and property of the First Informant at the hands of B.B.Ahuja, the Director of the College of Engineering, Pune, Girish Joshi, the Administrative Officer of the said College and from the appellant/accused Sapana Korde, Assistant Professor.

- (b) After lodgment of this FIR with the Police Station, Khadki and registration of the subject crime, all accused persons namely B.B.Ahuja, the Director of the College of Engineering, Pune,

Girish Joshi, the Administrative Officer of the said College and the appellant/accused Sapana Korde, Assistant Professor preferred separate applications for anticipatory bail before the learned Special Judge under the Atrocities Act. Those applications were registered as Criminal Bail Application Nos.3816, 3823 and 3854 of 2017 respectively. Those were heard and on 15/11/2017 applications for anticipatory bail moved by B.B.Ahuja and Girish Joshi bearing No.3816 and 3823 of 2017 came to be allowed. However, similar application bearing No.3854 of 2017 filed by appellant/accused Sapana Korde, Assistant Professor came to be rejected.

- (c) At this juncture, it is apposite to quote the reasonings given by the learned Special Judge, Pune for allowing the applications moved by co-accused B.B.Ahuja and Girish Joshi, so also the reasonings for rejection of similar claim made by appellant/accused Sapana Korde. Paragraph 15 of the impugned Common Order deciding the Bail Applications can be quoted for this purpose and it reads thus :

“15. The accused Bharatkumar Ahuja is a Director of COEP. The accused Girish Joshi is a Administrative officer of the said college. The college has its own reputation in the Maharashtra. These persons are the officers of the said college. If they are arrested, obviously it will not only malign the image of accused Bharatkumar Ahuja and Girish

Joshi but also concerned college. Further, there is no requirement of custodial investigation. No antecedent against accused Bharat Ahuja and Girish Joshi. Apart from these, the complainant himself admitted that he has filed seven cases under SC & ST Act against various persons. To that effect I do not want to make any comments if there was any atrocity against him then obviously he is supposed to knock the door of court. Thus, considering the report and allegations in my view, this is a fit case in which there is no impediment of Section 18 of SC & ST Act to grant the pre-arrest bail in favour of accused Bharatkumar Ahuja and Girish Joshi. At the same time, the accused Sapna Korde filed a complaint and because of that the informant has faced consequences before Sexual Harassment Committee. Therefore, the act of Sapna Korde prima facie comes under Section 3(1)(p) and (q) of SC & ST Act and, therefore, there is impediment of Section 18 of SC & ST Act to allow her application and release her at the event of arrest.”

- (d) Feeling aggrieved by rejection of her claim for pre-arrest bail, appellant/accused Sapana Korde has filed this appeal.

7 Heard the learned Counsel appearing for the appellant/accused. He drew my attention to the FIR lodged by respondent No.2 Bhaskar Gaikwad. My attention was also drawn to the complaint dated 06/05/2017 made by appellant/accused Sapana Korde to co-accused B.B.Ahuja, the Director of the College of Engineering, Pune. With this, the learned Counsel argued that on 08/05/2017, co-accused Girish Joshi, the Administrative

Officer of the College considered the said complaint as the complaint of sexual harassment and forwarded it to the Committee constituted as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as 'the Prevention of Sexual Harassment of Women Act' for the sake of brevity). The learned Counsel argued that the appellant/accused had not mentioned in her complaint that the complaint is for sexual harassment. He further drew my attention to the statement dated 12/05/2017 of appellant/accused Sapana Korde recorded by the Committee and argued that no offence of atrocities is committed by the appellant/accused and therefore, she is entitled for anticipatory bail.

8 The learned Additional Public Prosecutor opposed the appeal by contending that the FIR lodged by the First Informant do show that he belongs to the Scheduled Castes and offence of atrocity is committed against him by the appellant/accused.

9 I also heard the learned Counsel appearing for respondent No.2 at a great length of time. He took me through the entire Record and Proceedings including the complaint lodged by appellant/accused Sapana Korde on 06/05/2017, the letter forwarding that complaint to the Committee constituted under the Prevention of Sexual Harassment of Women Act, statement of the appellant/accused Sapana Korde recorded by the Committee as

well as several representations made by First Informant/respondent No.2 Bhaskar Gaikwad before the Committee constituted for inquiring into the complaint of the sexual harassment. My attention was also drawn to the reply filed on behalf of the respondent No.2.

10 The learned Counsel for respondent No.2 vehemently argued that petition for quashing the FIR in Crime No.164 of 2016 filed by Subhash Mahajan, the in-charge Director of Technical Education was dismissed by this Court on 05/05/2017. Immediately, on the next day i.e. on 06/05/2017, appellant/accused Sapana Korde, who is working as Assistant Professor on being appointed by the Board of Directors has lodged complaint against First Informant/respondent No.2 Bhaskar Gaikwad. According to the learned Counsel for the respondent No.2, this was done only to harass and pressurize First Informant/respondent No.2 Bhaskar Gaikwad so as to compel him to withdraw his FIR in Crime No.164 of 2016 against Subhash Mahajan, the in-charge Director of Technical Education of the State of Maharashtra. The learned Counsel further argued that appellant/accused Sapana Korde so also other accused persons namely B.B.Ahuja and Girish Joshi along with Subhash Mahajan, Bhise and Borade were acting in a league to harass First Informant/respondent No.2 Bhaskar Gaikwad, who had lodged the complaint of misappropriation.

11 The learned Counsel further argued that the Committee was working against First Informant/respondent No.2 Bhaskar Gaikwad. No documents whatsoever were supplied to him though the complaint lodged by Sapana Korde was taken up for inquiry. The learned Counsel further submitted that, as seen from the representation tendered by the respondent No.2 before the Committee, it was stand of First Informant/respondent No.2 Bhaskar Gaikwad that no sexual harassment of the appellant/accused was committed by him. He had denied those allegations. It is argued that in fact, First Informant/respondent No.2 Bhaskar Gaikwad was repeatedly insisting for thorough inquiry in the matter, but unfortunately, no investigation was done by the Committee and the complaint was forwarded for taking administrative action against First Informant/respondent No.2 Bhaskar Gaikwad before some other Committee as per Service Rules. This is harassment of First Informant/respondent No.2 Bhaskar Gaikwad, who belongs to the Scheduled Caste.

12 The learned Counsel for First Informant/respondent No.2 Bhaskar Gaikwad further argued that the Investigating Officer has not conducted investigation of the subject crime properly. He drew my attention to the report dated 08/01/2018 submitted by the Police Sub-Inspector of Khadki Police Station, Pune to the learned Judicial Magistrate First Class, Khadki Court, Pune. The learned Counsel, upon being asked, on instructions, has

admitted the averments made in the report by stating that First Informant/respondent No.2 Bhaskar Gaikwad has uttered before the police that the Court is not understanding the provisions of Atrocities Act and the Court is granting bail to the accused, though the Court has no powers to grant anticipatory bail in the matter. By accepting these averments made by First Informant/respondent No.2 Bhaskar Gaikwad before the Officer of the Police Station, Khadki, the learned Counsel argued that investigation of the subject crime is not done properly by police. In the words of the the learned Counsel for First Informant/respondent No.2 Bhaskar Gaikwad the Judgment of the Honourable Apex Court in the matter of *Dr.Subhash Kashinath Mahajan v. State of Maharashtra & Anr.*¹ is 'no more a good law and in fact, it is a bad law'. It is further argued that in view of incorporation of Section 18A in the Atrocities Act, provisions of Section 438 of the Code of Criminal Procedure are not applicable to the case under the Atrocities Act and, therefore, this Court has no powers to grant anticipatory bail to appellant/accused. With this, he argued that the appeal deserves to be dismissed.

13 I have carefully considered the rival submissions and also perused the entire material placed on record.

14 In order to have better understanding of the matter, let us see which offences of atrocities are mentioned in the FIR of the

¹ 2018 (6) SCC 454.

subject crime and attributed to the accused persons including the appellant. According to the prosecution, the appellant/ accused as well as the co-accused have committed offences punishable under Sections 3(1)(p), 3(1)(q) and 3(2)(vii) of the Atrocities Act. Sections 3(1)(p) and (q) of the Atrocities Act read thus :

“3. Punishments for offences of atrocities.—

(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

.....

.....

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe ;

(q) Gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Case or a Scheduled Tribe;

shall be punished with imprisonment

Similarly, Section 3(2)(vii) of the Atrocities Act read thus :

“3. Punishments for offences of atrocities.—

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

.....

.....

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term

which shall not be less than one year but which may extend to the punishment provided for that offence.”

15 It is thus clear that instituting false, malicious or vexatious legal proceedings against a member of the Schedule Caste or Schedule Tribe by a person not belonging to the Schedule Caste or Schedule Tribe amounts to the offence of atrocities. Similarly, giving any false and frivolous information to any public servant in order to enable the said public servant to use his lawful powers to injure or annoy a member of Schedule Caste or Schedule Tribe also amounts to an offence of atrocities. Section 3(2)(vii) of the said Act deals with quantum of punishment for the offence of atrocity. Thus, for making out the offences under these provisions which are invoked by the prosecution against the accused, the prosecution is required to make out a *prima facie* case of instituting a false, malicious or vexatious legal proceedings against a member of the Scheduled Caste as well as a case of furnishing false or frivolous information to any public servant against a member of the Schedule Caste requiring the public servant to use his lawful powers to injure or annoy a member of the Schedule Caste. Let us, therefore, examine whether a *prima facie* case for these offences under the Atrocities Act is made out in the FIR as well as during the course of investigation.

16 It was on 6th May 2017 that appellant/accused Sapana Korde had lodged a complaint against First Informant/respondent

No.2 Bhaskar Gaikwad by email. It was addressed to co-accused B.B.Ahuja, the Director of the College of Engineering, Pune. Averments in the said complaint needs to be quoted. Those read thus :

“Subject : Improper Behaviour and abusive
language of Departmental Store
keeper

Respected Sir,

This is in reference with above subject. I went to storekeeper asking about my old bills today. He pointed out some problem and said in Marathi “Tumhala kalat nahi ka?”. I asked him why did not you conveyed the query to me. His further conversation was very abusive and pointing out our appointment by BOG.

Please treat this mail as very serious complaint regarding behaviour of storekeeper and abusive language with woman employees.”

17 The complaint of appellant/accused Sapana Korde, Assistant Professor of the College of Engineer, Pune was then forwarded by the Director of the said College to Girish Joshi, the Administrative Officer of the said College for the purpose of forwarding that complaint to Women Grievance Committee for investigation. That is how, vide letter dated 8th May 2017, Girish

Joshi, the Administrative Officer, who is also arraigned as a co-accused had forwarded the said complaint of appellant/accused Sapana Korde to Dr.Smt.Neela Rajhans, Professor and Chairman of the Committee constituted under Section 4 of the Prevention of Sexual Harassment of Women Act, for the purpose of inquiry and report.

18 At this juncture, it is apposite to quote the definition of the term 'sexual harassment'. Section 2(n) of the Prevention of Sexual Harassment of Women Act defines the term 'sexual harassment of women' as follows :

“2(n) “Sexual harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely-

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non verbal conduct of sexual nature: ”

19 Section 3 of the said Act deals with “sexual harassment of women at the work place”. As per provisions of Sub-Section (2) of Section 3 of this Act, the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment :- Those are :

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

20 Thus, Sub-Section (2) of Section 3 points out the circumstances which may amount to sexual harassment and the circumstances mentioned in Sub-Section (2) of Section 3 are not exhaustive, but are inclusive. It is thus clear that implied or explicit threat of detrimental treatment in her employment amounts to sexual harassment of woman at the workplace. Interference with her work or creating an intimidating or offensive or hostile work environment for a woman at her workplace also amounts to sexual harassment of woman at workplace. Giving a humiliating treatment likely to affect health or safety of a woman at her workplace also amounts to sexual harassment of woman at

workplace. The complaint dated 06/05/2017 of appellant/accused Sapana Korde ought to have been considered by keeping in mind these circumstances.

21 On this backdrop, in her complaint dated 06/05/2017, appellant/accused Sapana Korde has categorically mentioned about improper behaviour and abusive language used by the First Informant/respondent No.2 Bhaskar Gaikwad to her. As per averments in the complaint, she had been to First Informant/respondent No.2 Bhaskar Gaikwad for asking about her old bills and upon that, as per her version, First Informant/respondent No.2 Bhaskar Gaikwad questioned her by uttering as to whether she can understand anything. The appellant/accused Sapana Korde further reported that further conversation by First Informant/respondent No.2 Bhaskar Gaikwad was very abusive. With this, the appellant/accused Sapana Korde requested to treat her complaint as serious in respect of behaviour and abusive language used by First Informant/respondent No.2 Bhaskar Gaikwad, who at the relevant time, happens to be the Storekeeper working with the College of Engineering, Pune.

22 As stated in forgoing paragraph, this complaint of appellant/accused Sapana Korde was forwarded to the Committee constituted under Section 4 of the Prevention of Sexual

Harassment of Women Act. First Informant/respondent No.2 Bhaskar Gaikwad was also noticed by the Committee. It is seen from the record that First Informant/respondent No.2 Bhaskar Gaikwad has insisted for furnishing the charge-sheet as well as other documents to him for defending himself. For this purpose, it appears that the Committee has recorded the statement of appellant/accused Sapana Korde on 12/05/2017. That is how, in the light of her complaint, statement of appellant/accused Sapana Korde giving some details of the incident came to be recorded by the Committee constituted as per provisions of the Prevention of Sexual Harassment of Women Act. In her statement, appellant/accused Sapana Korde, Assistant Professor has categorically mentioned her allegations against First Informant/respondent No.2 Bhaskar Gaikwad, Storekeeper working with the College. As per her version, First Informant/respondent No.2 Bhaskar Gaikwad had questioned her in vernacular “तुम्हाला कळल नाही का ?” meaning thereby whether you are not understand the thing. He further uttered that “मी अशी फुकटची कामे करत नाही” meaning thereby that he is not doing any work for free. The appellant/accused Sapana Korde further stated that First Informant/respondent No.2 Bhaskar Gaikwad uttered in vernacular that “ते मला तुमच्या सारख्या खाजगी दुकानातील लोकांनी विचारायचे नाही, मला माझे सरकार विचारेल” meaning thereby that a person like her, who happens to be a person from private shop should not ask anything to him and he can be questioned only by the Government. These utterances were

obviously made as appellant/accused was appointed by the Board of Governance of the College and during the course of his argument, the learned Counsel for the appellant/accused categorically argued that therefore, the appellant is not a Government Servant. Appellant/accused Sapana Korde further stated in her statement before the Committee that thereafter First Informant/respondent No.2 Bhaskar Gaikwad has asked her to get out of his cabin and such utterance were made thrice.

23 After recording this statement of appellant/accused Sapana Korde, the Committee constituted under the provisions of the Prevention of Sexual Harassment of Women Act comprising of six members ultimately, on 12th May 2017 itself unanimously concluded that the complaint lodged by appellant/accused Sapana Korde is not reflecting sexual harassment, but it has reflected misconduct and misbehaviour of the subordinate during the course of employment. The Committee further concluded that as the complaint is not in respect of sexual harassment of women at workplace, it needs to be dealt with by the appropriate Disciplinary Committee. Accordingly, the First Informant/respondent No.2 Bhaskar Gaikwad was informed. This report of the Committee triggered filing of the subject FIR by First Informant/respondent No.2 Bhaskar Gaikwad against appellant/accused Sapana Korde, Assistant Professor and others.

24 *Prima facie*, it appears that the Committee constituted under Section 4 of the Prevention of Sexual Harassment of Women Act has not considered the provisions of Sub-Section (2) of Section 3 of the said Act, which enumerates few circumstances reflecting sexual harassment of women at workplace. The circumstances, incorporated in Sub-Section (2) of Section 3 are lost sight by the Committee constituted for prevention of sexual harassment of women at workplace i.e. the College of Engineering, Pune, while considering the complaint of appellant/accused Sapana Korde, Assistant Professor.

25 Be that as it may, let us now examine whether there is *prima facie* case of offences punishable under Sections 3(1)(p), 3(1)(q) and 3(2)(vii) of the Atrocities Act, 1989 against appellant/accused Sapana Korde, Assistant Professor. As stated herein before, Section 3(1)(p) of the said Act deals with institution of false, malicious and vexatious civil, criminal or other proceedings against a member of the Schedule Caste. In the case in hand, there is no pronouncement by the Competent Authority that the complaint lodged by appellant/accused Sapana Korde is false, malicious or vexatious. On the contrary, the Committee constituted under Section 4 of the Prevention of Sexual Harassment of Women Act concluded that the complaint is not in respect of the sexual harassment, but it is in respect of misbehaviour and misconduct of the subordinate with the

superior. Similarly, there is no finding by any of the Authority that the complaint or subsequent statement of appellant/accused Sapana Korde made to a public servant is false or frivolous for causing injury or annoyance to First Informant/respondent No.2 Bhaskar Gaikwad. Section 3(2)(vii) of the Atrocities Act, as stated earlier, deals with quantum of punishment on proof of offences. With this, I hold that there is no *prima facie* case whatsoever against appellant/accused Sapana Korde regarding any offence under the Atrocities Act, as alleged against her.

26 At this juncture, it is also relevant to consider the reasonings given by the learned Special Judge in the impugned Order for rejection of claim of anticipatory bail by the appellant/accused Sapana Korde, Assistant Professor. For that purpose we will have to revert to paragraph 15 of the impugned Order, which is already reproduced in the earlier paragraph. The learned Special Court has observed that co-accused B.B.Aahuja is the Director of the College of Engineering, Pune, whereas another accused Girish Joshi is the Administrative Officer of the said College which is having reputation in the State. This appears to be the consideration for grant of anticipatory bail to those accused persons, whereas the similar claim of the appellant/accused Sapana Korde, who happens to be the Assistant Professor of the same reputed College and who was complaining of harassment at the workplace came to be rejected only with the reasonings that she had filed the complaint and because of that complaint, the

respondent has faced the consequences before the Committee. At the cost of repetition, it needs to be mentioned that the said Committee had not concluded that the allegations made by the appellant/accused Sapana Korde against the respondent No.2/Bhaskar Gaikwad are false, malicious, vexatious or unsubstantiated. The impugned Order of rejection of the claim of anticipatory bail of appellant/accused Sapana Korde, as such, cannot be sustained. At this juncture, it is required to mention that whole sub-stratum of the FIR lodged by the respondent No.2/Bhaskar Gaikwad against the accused persons is based on his previous report lodged against Subhash Mahajan, the then in-charge Director of Technical Education of the State, which ultimately resulted in registration of Crime No.164 of 2016. The Honourable Apex Court in the matter of ***Mr.Subhash Kashinath Mahajan (supra)***, is pleased to quash the proceedings of the said FIR.

27 Section 18A of the Atrocities Act provides that provisions of Section 438 of the Code of Criminal Procedure shall not apply to the cases under the Atrocities Act. For this purpose, the case is required to be made out in respect of the offence of atrocities. In the case in hand, there is absolutely no case of offence of atrocities against the appellant/accused Sapana Korde, Assistant Professor working with the College of Engineering, Pune. In this view of the matter, bar of Section 18 or 18A of the Atrocities Act is not applicable to the case in hand.

28 In the result, the following Order :

ORDER

- (i) The Appeal is allowed.
- (ii) The impugned Order dated 15/11/2017 passed by the learned Special Judge under the Atrocities Act, Pune so far as it relates to rejecting the application for anticipatory bail bearing No.3854 of 2017 filed by the appellant/accused Sapana Korde is quashed and set aside.
- (iii) The application for anticipatory bail filed by the appellant/accused Sapana Korde in Crime No.3210 of 2017 registered at the instance of respondent No.2/Bhaskar Gaikwad at Khadki Police Station for the offences punishable under Sections 167, 177, 182, 211, 500 read with Section 34 of the Indian Penal Code as well as under Sections 3(2)(p), 3(2)(q) and 3(2)(vii) of the Atrocities Act, is allowed.
- (iv) In the event of her arrest in the subject crime, appellant/accused Sapana Korde be released on bail on her executing P.R.Bond of Rs.25,000/- and on furnishing one or two surety in the like amount.
- (v) As a condition of this Order, the appellant/accused Sapana Korde should cooperate the Investigating Officer in the investigation of the crime in question.

(vi) The appellant/accused should not extend any threat inducement or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vii) The Appeal is accordingly disposed of.

29 Needless to mention that the observations made in this Order are *prima facie* in nature and shall not have any bearing on the merits of the case.

(A.M.BADAR J.)