

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1063 OF 2017

**ANNAPURNA @ RANI w/o.RAMCHANDRA)
KULKARNI)...APPELLANT**

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.V.V.Purwant, Advocate for the Appellant.

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

None for Respondent No.2.

CORAM : A. M. BADAR, J.

DATE : 8th JANUARY 2019

P.C. :

1 Heard. None appeared for respondent no.2, despite service. Admit. Heard forthwith considering the fact that the appeal is challenging rejection of the application for grant of anticipatory bail by the learned Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989.

2 The learned counsel for the appellant/accused by drawing my attention to the First Information Report (FIR) has vehemently argued that allegations regarding casteist abuses and in respect of offences of atrocity are directed against the husband of the appellant/accused, and therefore, bar of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989, is not applicable to the case in hand.

3 The learned APP supported the impugned order dated 8th December 2017 passed by the learned Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, Solapur, in Criminal Bail Application No.1195 of 2017.

4 I have perused the record made available. The FIR of the crime in question is lodged by the respondent no.2 Rukmini Sarvade on 25th October 2017. She averred in the FIR that the appellant/accused posed herself as an agent of S.P.Kisan Producer Company Limited and promised handsome returns if the amount is invested in the said Company through herself. Believing on the

representation of the appellant/accused, respondent no.2/ First Informant Rukmini Sarvade averred that she invested an amount of Rs.69,000/- in her name as well as in the name of her daughter Rupali for the period of 60 months. After lapse of period of 60 months, the amount matured under the Fixed Deposit was not refunded, and therefore, she went to the house of appellant/accused Annapurna Kulkarni @ Rani. The First Informant further averred that upon being questioned about refund of the money, the appellant/accused became angry and gave a slap on the left cheek of the respondent no.2/ First Informant. Other allegations are regarding other family members in the house of the appellant/accused Annapurna Kulkarni @ Rani.

5 On the basis of the FIR lodged by the respondent no.2, Crime No.452 of 2017 for offences punishable under Sections 354B, 323, 506, 147, 149 of the Indian Penal Code as well as under Sections 3(1)(w), 3(1) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989,

came to be registered against the accused persons including the appellant/accused Annapurna Kulkarni @ Rani. The FIR reveals that the appellant/accused had slapped the First Informant who is belonging to the Scheduled Castes and has committed the offence punishable under Section 323 of the Indian Penal Code which is a scheduled offence, and as such, the offence of atrocity under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989.

6 In this view of the matter, bar of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989, is applicable with full force to the case in hand. No infirmity is, therefore, found in the impugned order rejecting the application for anticipatory bail. In the result, the following order :

ORDER

The appeal is dismissed.

(A. M. BADAR, J.)