

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL APPEAL NO.554 OF 2020

CHATRAGUN DHONDIBA PURI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Giri Umakant P.
APP for Respondent No.1 – State : Mrs. R. P. Gaur
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 2nd November, 2020

ORDER :

1. Heard learned Advocate for the appellant and learned APP for respondent No.1 – State.

2. The appellant is apprehending his arrest in connection with Crime No.267 of 2020 registered with Parali Rural Police Station, Dist. Beed dated 15-09-2020 for the offences punishable under Sections 143, 147, 323, 504 and 506 of Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the Atrocities Act). He had filed application under Section 438 of the Code of Criminal Procedure i.e. Miscellaneous Criminal Bail Application No.405 of 2020 along with other accused persons before the learned

Additional Sessions Judge. However, it appears that the relief for bail prayed by the present appellant was rejected by the learned Additional Sessions Judge and, therefore, the present appeal has been filed under Section 14-A(2) of the Atrocities Act.

3. Learned Advocate appearing for the appellant submits that the FIR lodged by respondent No.2 is nothing but the outcome of the cross complaint and the appellant has been falsely implicated. The learned Additional Sessions Judge erred in rejecting the application filed by the present appellant.

4. Learned APP supported the reasons given by the learned Additional Sessions Judge.

5. At the outset, it is to be noted that mother of the present appellant i.e. Venubai Dhondibua Puri appears to have lodged report in respect of incident dated 14-09-2020 and 15-09-2020 at about 21.35 hours on 15-09-2020 with the same police station, which has been registered as Crime No.268 of 2020. The FIR, in which the present appellant is apprehending his arrest, has been registered at about 20.09 hours on 15-09-2020. That means, it is earlier registered and, therefore, it cannot be stated at this *prima facie* stage that the FIR lodged prior in time, would be just to implicate and would be a counterblast. Further, perusal of the FIR lodged by respondent No.2 specifically states that the present appellant had abused the informant in the name of caste. Therefore,

prima facie offence under the Atrocities Act appears to have been made out and, therefore, the learned Additional Sessions Judge was right in considering that the application filed by appellant is barred under Section 18 of the Atrocities Act. It is not even necessary to issue notice to respondent No.2. There is no merit in the present appeal. It deserves to be dismissed. Accordingly, it is dismissed.

[SMT. VIBHA KANKANWADI, J.]

scm