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

***CRIMINAL APPEAL NO.388 OF 2020***

Parvat Chinappa Reddy

...Appellant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Suraj B. Gothwal, for the Appellant

Ms. M. H. Mhatre, A.P.P. for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 14<sup>th</sup> JULY, 2020***

**P.C. :**

1. Heard learned counsel for the parties.

2. On 23<sup>rd</sup> June, 2020, the learned counsel for the appellant was granted leave to amend to implead the complainant, as party respondent no.2. Accordingly, amendment was carried out and the complainant was impleaded as respondent no.2. Learned Counsel for the appellant states that he has served the respondent no.2, by private service informing the respondent no.2 of today's date and has also filed an affidavit of service in the Registry. Statement accepted. Despite notice, none appears for the Respondent No.2.

3. By this appeal, the appellant seeks his enlargement on bail in connection with C.R.No.354 of 2019 registered with the M.R.A. Marg Police Station, Mumbai, for the alleged offences punishable under Sections 295A, 34 of the Indian Penal Code and under Section 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

4. Learned Counsel for the appellant submits that the allegations as against the appellant are false and baseless. He submits that co-accused – Asha Reddy (appellant's wife), who is similarly placed, as the appellant has been granted bail by the Sessions Court. He submits that the appellant is in custody since December, 2019 and that investigation is complete and charge-sheet is filed.

5. Learned APP opposes the appeal. She submits that there are specific allegations as against the appellant. She does not dispute the fact that the allegations as against the appellant are similar to that of co-accused - Asha Reddy (appellant's wife), who has been released on bail.

6. Perused the papers. The incident in question took place on 27<sup>th</sup> December, 2019, when the complainant had gone for his regular work

at the Collector Office, Mumbai City, Mumbai. The complainant (respondent no.2) has alleged that at about 5.30 p.m. suddenly one unknown person and one women started giving slogans and used derogatory language, outside the Collector's Office, Mumbai City, Mumbai and that the complainant had shot the said incident on his mobile. The complainant has alleged that the appellant and his wife had disclosed their names, when asked. It appears that the appellant had gone to the police station pursuant to the notice served on him, and he came to be arrested. It is not in dispute that co-accused - Asha Reddy (appellant's wife) was released on bail by the Sessions Court though the nature of allegations as against her were identical/similar to that of the appellant. The appellant is in custody since December, 2019. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the Appeal is allowed and the appellant is enlarged on bail, on the following terms and conditions:-

**ORDER**

- i) The Appellant be released on cash bail in the sum of Rs.15,000/-, for a period of eight weeks;
- ii) The Appellant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like

amount;

iii) The Appellant shall attend the concerned Police Station on the first Saturday of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial;

iv) The Appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

v) The Appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Appellant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Appellant, in the Registry of the trial Court, within two weeks of his release.

8. The Appeal is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

***REVATI MOHITE DERE, J***