

Anand

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

**LD/VC/OCR/261/2020
(CRIMINAL APPEAL NO. 396 OF 2020)**

**Nisha S.
Chitnis**

Anil Suryakant Kaloge

.Appellant

Vs.

Digitally signed by
Nisha S. Chitnis
Date: 2020.12.15
15:49:32 +0530

The State of Maharashtra & anr.

.Respondents

Mr. Sachin Gite, Advocate, for the Appellant

Mr. A. R. Patil, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.12.2020

P. C.

. Heard learned counsel for the parties.

2. By this Appeal, the Appellant seeks pre-arrest bail in connection with C. R. No. 118 of 2020 (0266 of 2020) registered with the Dindoshi Police Station, District – Nashik, for the alleged offences punishable under Sections 323, 324, 504 & 506 r/w 34 of the Indian Penal Code and under Sections 3(1)(r)(3)(1)(s)(3)(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. Perused the papers. The incident in question is alleged to have taken place on 20.05.2020, when the Complainant was taking a

walk at around 8.30 p. m., after his dinner. It is alleged by the Complainant that a domestic dog belonging to Gokul Kaloge attacked the Complainant and hence, he threw a stone at the dog. It is further alleged that on seeing the same, the Appellant and other accused i. e. Gokul Kaloge, Suryakant Kaloge, Sindhubai Kaloge & Anil Kaloge (Appellant) came out of their house and started quarreling with him. The Complainant has alleged that the Appellant slapped him on his face and abused him in the name of his caste. Pursuant to the said incident, the Complainant lodged the aforesaid C. R.. With respect to the incident dated 20.05.2020, the Appellant's side has also lodged a complaint with the Dindoshi Police Station alleging the offences punishable under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code as against the Complainant and others in the present C. R.. It appears that from the Appellant's side, FIR was lodged prior to the complaint / FIR lodged by the Complainant in the present C. R. It appears that there are no independent witnesses, who allegedly heard the Appellant abusing the Complainant. The present C. R. has also been lodged belatedly i. e. after about ten days of the incident i. e. on 01.06.2020. Prima facie, it appears that the said complaint has been lodged as a counterblast to the FIR lodged by one of the accused in the present C. R. as against the Complainant and others. The cross complaint lodged from the Appellant's side was filed on the very next day of the incident i. e. on

21.05.2020 after which the present C. R. is lodged. This Court (Coram : C. V. Bhadang, J.) vide order dated 25.08.2020 had granted interim protection to the Appellant. Having heard the learned counsel for the Appellant and for the reasons stated hereinabove, the Appellant has made out a case for confirmation of the said relief. Accordingly, interim protection granted vide order dated 25.08.2020 stands confirmed on the following terms & conditions :-

O R D E R

(i) In the event of his arrest in connection with investigation of Crime No. 118 of 2020 registered with the Dindoshi Police Station, District Nashik, the Appellant shall be released on bail on executing PR Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(ii) The Appellant shall co-operate with the investigating agency and shall not tamper with the prosecution evidence or witnesses.

4. The Appeal is disposed of on the aforesaid terms accordingly.

5. 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.

All concerned to act on the authenticated copy of this order
digitally signed by Personal Assistant / Private Secretary.

(REVATI MOHITE DERE, J.)