

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

CRIMINAL APPEAL NO.1743 OF 2019

Ganesh Dadasaheb Bhosale	...Appellant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Sugandh B. Deshmukh a/w Mr. Irvin D'Souza for the Appellant

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

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 11th DECEMBER 2020

P.C. :

1 Learned counsel for the appellant submits that vide order dated 11th September 2020, the appellant was protected by an interim order. He submits that in the interregnum, charge-sheet has been filed against the appellant and as such, the interim order be confirmed.

2 Learned A.P.P does not dispute the fact that charge-sheet has been filed.

3 By this appeal, the appellant seeks pre-arrest bail in connection with C. R. No. 443 of 2019 registered with the Walchandnagar

Police Station, Pune (Rural) for the alleged offences punishable under Sections 353, 354, 343, 506, 188 of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Sections 3(1)(w)(1), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act ('SC ST Act'). At the outset, it may be noted that although, the provisions of the SC ST Act have been applied in the said case, the learned Judge whilst rejecting the appellant's application for anticipatory bail has categorically observed that the provisions of the SC ST Act are not applicable to the facts, considering that in the FIR, neither the caste of the complainant nor that of the accused (appellant) is mentioned. Learned Sessions Judge, however, proceeded to reject the appellant's prayer for anticipatory bail on merits.

4 In the aforesaid case, the allegation as against the appellant is that when he went to the Polling Booth, he was carrying his mobile having a camera and that when the complainant - a lady constable stopped him from taking the same, the appellant threatened and pushed the complainant. It is further alleged that whilst pushing, the appellant touched her inappropriately and as such outraged her modesty.

5 Having regard to the fact that charge-sheet has been filed in the said case, the interim order dated 11th September 2020 stands confirmed on the following terms :

ORDER

(i) In the event of arrest, the appellant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

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

(iii) The applicant to cooperate with the conduct of the trial.

6 The appeal is disposed of accordingly.

7 All concerned to act on the copy of this order, digitally signed by the Senior Private Secretary of this Court.

REVATI MOHITE DERE, J.