

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 71/2020.

Yogesh @ Pinty s/o Arunpant Bobade,
Aged above 27 years, Occupation
Agriculturist, resident of Virul Puma,
Tq. Chandur Bazar, District Chandrapur.

... **APPELLANT.**

VERSUS

1.State of Maharashtra,
through Police Station Asegaon Purna,
District Amravati.

2.Sau. Rekha w/o Amol Wankhede,
Aged above 30 years, Occupation
Household, resident of Virulpurna,
Tahsil Asegaon Purna, District Amravati.

... **RESPONDENTS.**

Shri R.G. Nitnaware, Advocate for the Appellant.
Shri A. Kadukar, A.P.P. for Respondent No.1.
None appears for Respondent No.2-Served.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 14, 2020.

ORAL JUDGMENT :

Heard. **Admit.**

Considering the controversy involved and with consent

of learned Counsel present for the parties, the matter is taken up for final disposal.

2. The appellant is seeking pre-arrest bail in Crime No.193/2019, by expressing dissatisfaction about the impugned order dated 15.01.2020. At the instance of FIR dated 23.10.2019, the police had registered the offence punishable under Sections 354, 354-A of the Indian Penal Code, for which the appellant was arrested and released on bail. It reveals from the reply affidavit that after 12 days, the provisions of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act were invoked due to which the appellant had approached for pre arrest bail.

3. On bare perusal of the first information report it is not clear that the appellant has committed the act only because the victim was belonging to Scheduled Caste/Scheduled Tribe. On the basis of supplementary statement, given by the informant, the provisions of Atrocities Act were invoked.

4. Already the accused has faced custodial interrogation regarding the offence punishable under Sections 354 and 354-A of the Indian Penal Code.

5. In view of that, there is no reason to have custodial interrogation once again. This Court has granted interim protection to the appellant in the month of February, 2020 and till date there is no complaint about misuse of liberty. In view of that, the appellant has made out a case for grant of prearrest protection. Criminal Appeal is therefore, allowed. The order passed by the Additional Sessions Judge, Achalpur on 15.01.2010 in Misc. Criminal Bail Application No. 29/2020, is hereby quashed and set aside.

Interim order passed by this Court on 07.02.2020 is hereby made absolute on the same terms and conditions.

JUDGE

Rgd.