

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

CRIMINAL APPEAL NO. 93/2020.

Vishnu s/o Dinkarrao Sable,
Aged about 54 years, Occupation
Private Service, resident of Pil Colony,
Nivara No.2, Malkapur, Akola,
Tahsil and District Akola.

... **APPELLANT.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Police Station Khadan,
District Akola.

2.Mrs. Savita w/o Pralhad Bhagwat,
Aged about 36 years, resident of
Pil Colony, Nivara No.2,
Malkapur, Akola,
Tahsil and District Akola.

... **RESPONDENTS.**

Shri R.M. Daga, Advocate for the Appellant.
Ms. H.N. Jaipurkar, A.P.P. for Respondent No.1.
None for Respondent No.2 - Served.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 07, 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 has challenged the order of rejection of regular bail passed by the Sessions Court vide its order dated 05.02.2020. The appellant would submit that out of rivalry, a false report has been filed as a counter check to the report lodged by the wife of the appellant against the husband of the informant.

3. First information report discloses that parties are residing in the same vicinity and there are allegation of abuses. The learned counsel appearing on behalf of the appellant would submit that the provisions of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, would not attract, which requires consideration.

4. The appellant was already arrested and had faced custodial interrogation. This Court vide order dated 11.02.2020 has granted interim protection, which is prevalent till date.

5. Reply affidavit does not disclose a potential reason for

rejection of bail, nor alleges that the appellant has misused the liberty, while on interim bail. Having regard to the nature of allegations, it is not a case where the appellant can be detained in jail. Since the parties are residing in same vicinity, a condition of attendance to police station would take care of eliminating the possibility of pressurizing the witnesses during investigation.

6. In view of above, Criminal Appeal is allowed. The impugned judgment and order passed by the Special Judge, Akola in Misc. Criminal Application No.57/2020 on 05.02.2020, is hereby quashed and set aside.

The interim order dated 11.02.2020, passed by this Court is hereby made absolute, on same terms and condition, with a modification of attending police station as directed earlier till the filing of the charge sheet.

JUDGE

Rgd.