

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

CRIMINAL APPEAL NO. 146/2020

- 1] Ramdas Ganeshrao Rahate,
Age 68 years, Occ. Doctor,
 - 2] Rajendra Ganeshrao Rahate,
Age 64 years, Occ. Agriculturist
- Both R/o. Saur, Tq. Bhatkuli,
Dist. Amravati

.... **APPELLANT(S)**

// VERSUS //

- 1] State of Maharashtra,
Through Police Station Officer,
Police Station Walgaon,
Tq. & Dist. Amravati
- 2] Archana Narendra Mohod,
Aged Major,
R/o. Saur, Tq. Bhatkuli,
Dist. Amravati

.... **RESPONDENT(S)**

Shri S.V. Sirpurkar, Advocate for the appellant(s)
Ms. M. Deshmukh, APP for the respondent no. 1
Shri R.D. Wakode, Advocate for the respondent no. 2

CORAM : Z.A.HAQ & S.M.MODAK, JJ.
DATED : 24/07/2020

ORAL JUDGMENT : (PER:- Z.A. HAQ, J.)

- 1] Heard Shri S.V. Sirpurkar, Advocate for the appellants, Ms. M. Deshmukh, learned APP for the respondent no. 1 and Shri R.D. Wakode, Advocate for the respondent no. 2.

2] **ADMIT.**

3] This appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is filed against the order passed by the Special Court rejecting the application filed by the appellants under Section 438 of the Code of Criminal Procedure. The appellants have prayed that in the event of their arrest in connection with Crime No. 47/2020 registered with the respondent no. 1 – Police Station, it be directed to release them on bail.

4] The crime is registered on the report lodged by the respondent no. 2. It is alleged that the appellants demolished the platform on which the statue of Lord Buddha was installed and this was done with the oblique intention of insulting the feelings of the complainant. It is further alleged that the appellants hurled abuses at the complainant and the appellants had caught hold of the hands of the complainant and had molested her.

5] The report was lodged on 28/01/2020. Though this Court has not granted any interim protection, the appellants are not yet arrested. According to the respondent no. 2, the appellants are politically active and

therefore, the Investigating Agency is not taking any stringent action against them.

6] Be that as it may, after going through the material on record, we find that the appellants are real brothers, the appellant no. 1 is aged about 68 years and is doctor by profession and the appellant no. 2 who is aged about 64 years is an agriculturist. The appellants have stated that any other crime is not registered against them. The respondents have not been able to controvert this submission.

7] The allegations against the appellants on the basis of which crime for the offences punishable under Sections 3 (1) (r), 3 (1) (s), 3 (1) (w), 3 (1) (w) (i) and 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have been registered, are prima-facie of general nature and the prosecution will have to prove its case on this at the trial.

8] Considering the facts of the case, we are convinced that the appellants are entitled for protection.

9] Hence, the following order:-

- (a) The impugned order is set aside.
- (b) In the event of arrest in connection with Crime No. 47/2020 registered with the respondent no. 1 – Police Station, the appellants be released on bail on executing P.R. Bond for Rs. Twenty Five Thousand each and on furnishing one solvent surety each in the like amount.
- (c) The appellants shall attend the respondent no. 1 – Police Station on every Sunday between 11:00 am to 1:00 pm till filing of the charge-sheet.

The appeal is **allowed** in the above terms.

JUDGE

JUDGE