

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 331 OF 2020 AND
CRIMINAL APPEAL NO. 291 OF 2020

Dhananjay Gopalrao Dahore

..vs..

State of Maharashtra, through P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Deshpande, Advocate for appellant/applicant.
Mrs. M.H. Deshmukh, A.P.P. for respondent/State.

CORAM : VINAY JOSHI, J.
DATED : 04/09/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The appellant/applicant seeks permission to join informant as respondent no. 2, in fact, he would submit that he has filed such application, but the same has not accepted by the office as the time was over. The appellant is directed to join informant as respondent no. 2.

3. Issue notice to the respondents, returnable on 29.09.2020. Learned A.P.P. waives service of notice on behalf of the respondent/State.

4. The State to ensure that the notice would be served on respondent no. 2 by recognizing mode of communication.

5. Heard on interim relief.

6. The appellant/applicant has challenged the order of rejection of pre-arrest bail by invoking the provisions of Section 14A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred as "the SC and ST Act"). The appellant seeks pre-arrest bail by contending that he has been falsely involved in the case, he was not present at the time of actual occurrence and as out come of prior complaint filed by the appellant, the present report has been falsely lodged.

7. On reading of the entire F.I.R., it reveals that as per informant's own contention the appellant was not present at the time of occurrence, therefore there is serious question of applicability of the provisions of the SC and ST Act against the appellant. Moreover, the appellant has filed a copy of prior police report dated 10.06.2020 filed by him against the informant to substantiate the theory of false implication. Having regard to this fact, the appellant is entitled for interim protection, therefore the following order is passed :

- (a) In the event of arrest the appellant-accused namely Dhananjay Gopalrao Dahore in Crime No. 398 of 2020 registered at Washim Gramin Police Station, District Washim shall be released on interim bail on his furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.
- (b) The appellant-accused shall attend concerned Police

on every Monday in between 10.00 a.m. to 12.00 noon.

8. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhastApp or by such other mode, as is permissible in law.

JUDGE

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