

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

CRIMINAL APPEAL NO. 293/2020.

1.Manish Ghanshyam Karemore,
Aged 45 years, Occupation Business,
resident of Plot No.20, Ramkrushna
Society, New Yerkheda, Tahsil
Kamptee, District Nagpur.

2.Mangala w/o Manish Karemore,
Aged 40 years, Occupation Sarpanch,
Yerkheda, resident of Plot No.20,
Ramkrushna Society, New Yerkheda,
Tahsil Kamptee, District Nagpur.

... **APPELLANTS.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Police Station, Kamptee, Tahsil
Kamptee, District Nagpur.

2.Smt. Prema w/o Siddarth Sonare,
Aged about 41 years, Occupation
Private Work, resident of
Yerkheda, Kamptee, District Nagpur.

... **RESPONDENTS.**

Mr.R.D. Kalara, Advocate for Appellants.
Mr. S.D. Sirpurkar, A.P.P. for Respondent No.1 State.
None for Respondent No.2 – Served.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 22, 2020.

ORAL JUDGMENT :

Heard learned Counsel present for the parties.

Admit. By consent of learned Counsel present for the parties, the appeal is taken up for final hearing.

2. Being aggrieved by the order of rejection of pre-arrest bail by the Sessions Court, appellants have come up in this appeal. They are apprehending to be arrested in Crime No.344/2020 for the offence punishable under Section 294, 504, 506 read with Section 34 of the Indian Penal Code and Section 3[1][r][s] of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Perusal of first information report shows that there appears to be difference in the management of a Bachat Gut on certain issues. So also it reveals that there was old rivalry in between both sides. The allegations are of abusing in the name of caste. Possibility of false implication needs consideration since there

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is prolong delay in the lodgment of first information report. The applicability of the provisions of the Atrocities Act needs consideration.

4. Already this Court has granted interim protection vide order dated 21.07.2020, which is prevailing till date. Though the appeal is resisted by respondent State, learned A.P.P. is not able to make out a case for withdrawal of interim protection. The original informant though appeared through Advocate, he is absent today. There are no allegations about misuse of liberty. Having regard to the nature of accusation, the process of investigation can be facilitated by directing appellants to attend police station. Apparently there is no reason to withdraw the liberty granted earlier.

5. In view of above facts and circumstances, appellants have made out a case for grant of pre-arrest protection. Hence, the following order.

- (i) Criminal Appeal is allowed.
- (ii) The impugned order dated 15.07.2020, passed by the Additional Sessions Judge -4, Nagpur in Misc. Criminal

Application No.1641/2020 is hereby quashed and set aside.

- (iii) The interim protection granted to appellants vide order dated 21.07.2020 is hereby made absolute on same terms and conditions.

JUDGE

Rgd.