

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

LD-VC Criminal Appeal No.1262 of 2020

Sk. Ijaz Sk. Bismillah & others

vs.

State of Maharashtra, through PSO Khamgaon City, Buldana & another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri S.V. Sirpurkar, Advocate for the Appellants
Shri A.V. Palshikar, A.P.P. for the Respondent No.1/State.*

CORAM : S.M. MODAK, J.

DATE : 21st AUGUST, 2020

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

02] Heard the learned Advocate for the appellants.

03] Issue notice to the respondents, returnable after three weeks.

04] Shri A.V. Palshikar, learned A.P.P. waives notice for respondent No.2.

05] Perused the papers. The anticipatory bail application of the appellants came to be rejected by the Special Judge, Khamgaon, District Buldana on 04/08/2020. I am of the considered view that the appellants are entitled to interim protection. The reason is, the incident took place on 03/06/2020

initially when the complainant approached the police, offences under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were not applied and only a non-cognizable complaint under Sections 323 and 504 of Indian Penal Code was registered. Later on, on 04/06/2020, F.I.R. bearing Crime No.325/2020 came to be registered at Khamgaon City Police Station for the offences punishable under Sections 294, 452, 427, 323, 506 read with Section 34 of Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the Atrocities Act. There is a submission that the averments in this F.I.R. are after thought. At this stage, this is sufficient for me to lift the bar under Section 18-A of the Atrocities Act and to grant interim anticipatory bail. Hence, the order :

ORDER

- i. The Investigating Officer of Crime No.325/2020 registered at Khamgaon City Police Station, District Buldana is directed to release the appellants on furnishing Personal Bond and Surety Bond of Rs.15,000/- in the event of their arrest.
- ii. The appellants are directed to cooperate the police as and when required and give attendance on every Sunday from 10:00 a.m. to 12:00 p.m. until further orders. They are further directed not to threaten the prosecution witnesses in any manner.

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

**sandesh*

JUDGE

Sandesh
Waghmare

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by Sandesh
Waghmare
Date:
2020.08.21
19:27:18 +0530