

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

Criminal Application (APPA) No. 402 of 2020

in

Criminal Appeal No. _____ of 2020

*[Sachin Sudhakar Tangadpalliwar Vs. State of Maharashtra through P.S.O., P.S. Sawli,
Tah. Sawali, Dist. Chandrapur]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Amol S. Mardikar, Advocate for the applicant

CORAM : M. G. GIRATKAR, J.

DATE : 24/09/2020

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

2. Heard learned Advocate Shri Amol Mardikar for the applicant. As per his submission, the applicant had filed application under Section 482 of the Code of Criminal Procedure for quashing of FIR. The applicant was protected by the Division Bench of this Court. The applicant has withdrawn the said proceedings on 21-9-2020. Learned Advocate has submitted that therefore, there was delay in filing the appeal against the order passed by the Sessions Judge, Chandrapur.

3. Looking to the submissions, the application is allowed. Delay is condoned. Appeal be registered.

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4. This is an appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned Advocate Shri Mardikar has submitted that the complainant is wrongly made respondent no. 2. He is not necessary party, therefore, prayed to delete the name of respondent no. 2. Looking to the submissions, permission is granted to delete name of respondent no. 2 from the array of respondents.

5. The complaint was lodged by Mangaldas Shende (Shinde). As per his complaint, crime is registered against the present appellant. As per the contents of First Information Report, it appears that the relatives of the complainant were quarantined in Zilla Parishad Primary School. He had gone to said school to see the arrangements of meal to his relatives. There was quarrel between appellant and complainant. It is alleged that present appellant abused him on caste and, therefore, offences punishable under Sections 323 and 324 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are registered against the appellant. Present appellant moved an application for anticipatory bail before the Sessions Court, Chandrapur. In view of Section 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the

Additional Sessions Judge, Chandrapur rejected his application for anticipatory bail on 16-5-2020.

6. The appellant moved an application under Section 482 of the Code of Criminal Procedure before this Court. As per the submissions of learned Advocate for the appellant, he was protected by the Division Bench of this Court. Learned Advocate Shri Mardikar has submitted that application under Section 482 was withdrawn on 21-9-2020, hence, prayed to protect the appellant by granting anticipatory bail.

7. Looking to the submissions and contents of First Information Report, ad-interim anticipatory bail is granted to the appellant.

8. In the event of arrest of the appellant Sachin Sudhakar Tangadpalliwar in Crime No. 80/2020 registered by Police Station, Sawli, Tahsil Sawli, District Chandrapur for the offences punishable under Sections 323 and 324 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail on executing P.R. bond in the sum of Rs. 5,000/- (Rupees Five Thousand Only) with solvent surety of like amount on condition that the appellant shall attend Police Station, Sawli, Tahsil Sawli, District Chandrapur once in a week i.e. on every Sunday in between 1.00 p.m. to 5.00 p.m. and shall cooperate the

investigating agency.

9. Issue notice to the respondent, returnable after three weeks.

JUDGE

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