

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

CRIMINAL APPEAL NO. 383/2020.

Sachin Sudhakar Tangadpalliwar,
Aged about 43 years, Occupation
Sarpanch, resident of Kapsi,
Tahsil Sawli, District Chandrapur.

... **APPELLANT.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station, Sawli, Tah. Sawli,
District Chandrapur.

2.Mangaldas Maroti Shende,
Aged about 40 years, Occuaption
Agriculturist, resident of Sawli,
Tahsil Sawli, District Chandrapur.

... **RESPONDENTS.**

Shri Amol Mardikar, Advocate for the Appellant.
Shri S.D. Sirpurkar, A.P.P. for Respondent No.1.
None for Respondent No.2 – Served.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 04, 2020.

ORAL JUDGMENT :

Heard learned Counsel present for the parties.

Admit. Considering the controversy involved, and with consent of the learned Counsel present for the parties, Appeal is taken up for final disposal.

2. The appellant has challenged the order of rejection of pre-arrest bail by the Sessions Court vide order dated 16.05.2020. The appellant has submitted that the contents of first information report does not disclose the ingredients to constitute an offence punishable under Section 3[1][r], 3[1][s] and 3[2][va] of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is his submission that out of village politics, a false complaint has been lodged.

3. The respondent no.1 State has resisted the appeal vide its reply affidavit, of which contents are noted.

4. The appellant has earlier challenged the first information report by exercising inherent jurisdiction of this Court, wherein protection was granted. It was informed that already investigation is completed and charge sheet has been filed. This

Court has granted interim protection to the appellant vide order dated 24.09.2020, which is prevailing till date. There is no complaint against the appellant about misuse of the liberty.

5. Contents of first information report shows that the question of applicability of provisions of the Atrocities Act requires consideration. Having regard to the nature of accusation, nothing is to be seized. As charge sheet is already filed, there is no difficulty in confirming interim protection, which is in operation till date.

6. In view of above, Criminal Appeal is allowed. The impugned order dated 16.05.2020 passed by the Additional Sessions Judge, Chandrapur below Exh.1 in Misc. Criminal Application No. 437/2020 is hereby quashed and set aside.

The interim order dated 24.09.2020 passed by this Court is made absolute on the same terms and conditions, with a modification of deletion of condition of attending the police station.

JUDGE

Rgd.