

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CRIMINAL APPEAL NO.260 OF 2020

**SOPAN S/O. RAMNATH KASAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

Mr. H. D. Deshmukh, Advocate h/f Mr. N. V. Gaware,
Advocate for the appellant
Mrs. R. P. Gaur, APP for the respondent/State
Mrs. Sunita G. Sonwane, Advocate for the respondent
No.2

CORAM : N. R. BORKAR, J.

DATE : 27-10-2021

P. C.

. This appeal challenges the order dated 05-03-2020 passed by the learned Special Judge, Ahmednagar in Criminal Misc. Application No. 262 of 2020.

2. The appellant who is an accused in Crime No. 127 of 202 registered with Rahuri Police Station, Dist. Ahmednagar for the offences punishable under Section 504 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, filed an application under Section

438 of the Code of Criminal Procedure for anticipatory bail. Said application came to be rejected by the order impugned.

3. I have heard learned counsel for the appellant, learned APP for the respondent/State and learned counsel for the respondent No.2.

4. Learned counsel for the appellant submits that there is delay of approximately more than one month to lodge the complaint. It is submitted that at the relevant time, the appellant was working as a Registrar with Mahatma Phule Agricultural University. On the day of incident i.e. on 11-01-2020 there was program of the University and Hon'ble Ministers were present there. It is submitted that complainant came there and created ruckus. It is submitted that the appellant was thus, constrained to lodge the report with the Superintendent of Police, Ahmednagar. It is submitted that the complainant, thus, got enraged by lodging of the said report and approximately after one month lodged the present false report alleging that the appellant abused him on his caste. It is submitted that the Special Judge, Ahmednagar rejected the Cri. Misc.

Application (Bail) only on the ground that there is bar to entertain the anticipatory bail application under Section 18 of the Act.

5. On the other hand learned APP for the respondent/State submits that accused is involved in serious offence. It is submitted that there are independent eye witnesses to the incident. It is further submitted that in addition to the present crime there are in all four crimes registered against the appellant including under the provision of Prevention of Corruption Act. It is, accordingly, submitted that appeal be dismissed.

6. I have perused the first information report wherein there are specific allegations against the appellant in relation to the offences punishable under the provisions of SC and ST (Prevention of Atrocities). There are eye witnesses to the incident in question. Apart from it, there is telephonic conversation which supports the case of the complainant.

7. Apart from above following crimes are registered against the appellant.

i. Crime No. 3020/2006 for the offences punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act and Section 109 of IPC registered with Sangamner City Police Station.

ii. Crime No. 3014 of 2004 for the offence punishable under Sections 7, 12, 13 (1)(d) with Section 13(2) of the Prevention of Corruption Act.

iii. Apart from it, there appears to be one non-cognizable offence registered against him with Rahuri Police Station for the offence punishable under Section 507 of the IPC.

8. In addition to this crime, during pendency of the present appeal, it appears that the present appellant came to be repatriated to Parent department and at present he is working as a Sub-Divisional Officer, Yewla. The crime came to be registered against the present appellant vide crime No. 341 of 2021 registered by Yewla City Police

Station for the offences punishable under Sections 354-A and 504 of the IPC on the allegations that present appellant has outraged the modesty of employee working under him as a Talathi.

9. Considering the overall circumstances the appellant is not entitled to discretionary relief of anticipatory bail. The appeal is dismissed.

10. Learned counsel for the appellant submits that to enable the appellant to challenge this order before the Hon'ble Supreme Court, the interim order dated 18-03-2020 passed by this court be continued for a period of three weeks.

11. Other side objected to the said request.

12. However, considering the fact that the said order is in operation since last more than six months, the same shall remain in operation for a period of three weeks i.e. till 17-11-2021.

13. The appeal is disposed of.

[N. R. BORKAR, J.]