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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 CRIMINAL APPEAL NO.349 OF 2021

**ANKUSH LAXMAN TIDKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. T.G. Gaikwad, Advocate for the appellant
Mrs. R. P. Gaur, APP for the respondent/State
Mr. M. B. Sandanshiv, Advocate a/w Mr. U. S.
Gadsing, Advocate for the respondent No.2

CORAM : N. R. BORKAR, J.

DATE : 21-12-2021

P. C.

. This appeal takes an exception to the order dated 05-07-2021 passed by the Special Judge, Majalgaon, Dist. Beed in Criminal Bail Application No. 154 of 2021.

2. The appellant who is an accused in Crime No. 100 of 2021 registered at Dindrud Police Station, Tq. Majalgaon, Dist. Beed for the offences punishable under Section 354(A) of the Indian Penal Code and Sections 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), had filed an application for

anticipatory bail. The 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. The learned counsel for the appellant submits that the wife of the present appellant is Sarpanch and therefore, due to political rivalry false complaint came to be lodged against the appellant. It is further submitted that the appellant and parents of the respondent No.2/complainant are adjacent land owners and there is boundary dispute between them. It is submitted that even if the case of the prosecution is accepted as it is, still it would not constitute the offences punishable under Section 3(1)(w)(i)(ii) of the Atrocities Act. It is submitted that nothing is to be recovered from the present appellant and therefore, his custodial interrogation is not necessary. It is submitted that the order impugned thus needs to be quashed and set aside and the appellants needs to be released on anticipatory bail.

5. on the other hand learned APP submits that the applicant is involved in the serious offence of outraging the modesty of respondent No.2-complainant. It is submitted that there are witnesses to the incident. It is submitted that at this stage, it would be premature to hold that offences under Atrocities Act are not attracted. It is submitted that there is bar to entertain the application for anticipatory bail under Section 18 of the Atrocities Act and thus considering the facts and circumstances of the case, the learned Additional Sessions Judge was justified in rejecting the application of the appellant for anticipatory bail.

6. The learned counsel for the respondent No.2 adopted the submission of the learned APP for the respondent/State.

7. According to respondent No.2, while she was washing clothes, the appellant came there and with ill intention caught hold of her from behind. The contention is false complaint came to be lodged against the appellant, due to political rivalry. The

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contention cannot be accepted for the reason that had the intention of the respondent No.2/complainant to involve the appellant in false case, she would have made more serious allegations. However, she has not exaggerated the incident. In absence of any material to infer the false implication, I am not inclined to entertain the present appeal for anticipatory bail. The appeal is dismissed.

8. On the request of learned counsel for the appellant, to enable the appellant to approach the Hon'ble Supreme Court against this order, interim anticipatory bail granted by this court on 22-07-2021 shall remain in operation for a period of four weeks from today i.e. till 18-01-2022.

[N. R. BORKAR, J.]

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