

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPEAL NO.570 OF 2021

Nandini A. Patil

...Appellant

Vs

The State of Maharashtra & Ors.

... Respondents

...

Mr. Abhijit M. Adagule for the Appellant.

Smt.S.V.Sonawane, APP for the Respondent-State.

Ms. Dhruti M. Kapadia for the Respondent No.2.

CORAM : SANDEEP K. SHINDE J.

DATE : DECEMBER 09, 2021.

P.C. :

Heard the learned counsel for the appellant, the learned
Prosecutor for the State and the learned counsel for the Complainant.

2 By this Appeal under Section 14A of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('Act of
1989' for short), appellant is seeking pre-arrest bail in connection
with the Crime No.313 of 2021 registered at Karveer Police Station,
Kolhapur for the offences punishable under Sections 452, 323, 504,

506 and 34 of the Indian Penal Code, 1860 and Sections 3(1)(r),(s) and 3(2)(va) of the Act of 1989.

3 Primary evaluation, of the First Information Report, in no uncertain terms suggests, therein lies dispute between the family of the complainant and the appellant relating to the land and in respect of Gram Panchayat road. This fact is even not disputed by the learned Additional Public Prosecutor. In fact, appellant's son is friendly with the complainant and close to his family. Therefore, upon taking overall view of the allegations, in my view, the attendant circumstances, do not suggest that, the alleged insult and intimidation, was with an intention to humiliate, the wife of the complainant, only because she belongs to Scheduled Caste or Scheduled Tribe. Thus, allegations do not constitute offence under the Act of 1989.

5 Appeal is allowed. Hence, the following order:

ORDER

(i) In the event of arrest of the Appellant in Crime No.313 of 2021 registered with Karveer Police Station, she shall be released on executing PR bond for the sum of Rs.10,000/- with one or more

sureties in like sum.

(ii) She shall attend the concerned police station as and when called and co-operate in the investigation.

6 The appeal is accordingly allowed and disposed of.

7 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)