

3. Learned Counsel for the appellant submits that the allegations as against the appellant are false and baseless. He submits that out of the 5 accused in the aforesaid C.R., 4 of them have been granted pre-arrest bail by the Sessions Court. He submits that the charge-sheet has been filed as against the said 4 accused. He submits that the allegations made by the respondent No.2/complainant in the FIR are with respect to two incidents dated 23rd November 2017 and 10th May 2018, whereas the FIR was lodged on 28th February 2019. He submits that a perusal of the letter dated 9th January 2019 and letter dated 10th December 2018, which are on page nos. 54 and 56 of the appeal, shows that no allegations have been made by the respondent No.2 with respect to the incidents dated 23rd November 2017 and 10th May 2018. He submits that infact, the NRI police has observed that the dispute between the respondent No.2/complainant and the appellant is civil in nature and that the respondent No.2/complainant may approach the Civil Court.

4. Learned A.P.P opposes the appeal. He, however, does not dispute the fact, that 4 other co-accused have been granted pre-arrest bail and charge-sheet has been filed as against the said 4 co-accused. As far as present appeal is concerned, learned APP states that charge-sheet is ready and investigation is almost complete.

5. Learned Counsel for the respondent No.2 opposes the appeal. He submits that the FIR discloses the commission of an offence under the SCST Act.

6. Perused the papers. It appears that there is a financial/monetary transaction of about Rs. 25 lakhs between the complainant and appellant and others. It is the prosecution case, that Rs.25 lakhs was paid by the respondent No.2 to the appellant, for purchase of a land. The incidents alleged in the said FIR are of 23rd November 2017 and 10th May 2018, on which dates the appellant alongwith others allegedly hurled casteist abuses on the respondent No.2. It is pertinent to note that in the opinion given by NRI Police Station, it is stated that the dispute between the parties is civil in nature and that the question of initiating criminal action will not arise. Kalamboli Police Station, Navi Mumbai in their report dated 9th January 2019, which is on page 54 of the appeal have referred to the opinion given by the NRI Police Station and have observed further that in the previous complaints there is no reference to abuses on the basis of caste. It further appears that the respondent No.2 on 10th December 2018 had also written a letter to the Commissioner of Police regarding registration of an FIR as against the appellant and others under the I.P.C as well as under the SCST Act for causing mental agony and harassment to her being a women from

SC community and for cheating her. In the said letter dated 10th December 2018, addressed by the respondent No.2 to the Commissioner of Police, there is no mention about the two incidents dated 23rd November 2017 and 10th May 2018 nor is it mentioned as to what was the nature of abuses hurled by the appellant.

7. This Court (Coram : Smt.Sadhana S. Jadhav, J.) vide order dated 11th April 2019, granted interim protection to the appellant on certain terms and conditions. It appears that the other co-accused have been granted pre-arrest bail by the Sessions Court and charge-sheet has been filed as against them.

8. Having regard to the aforesaid, the appellant has made out a case for grant of pre-arrest bail. In the facts, custodial interrogation of the appellant is not warranted. The appeal is accordingly allowed and the interim protection granted by this Court vide order dated 11th April 2019, is confirmed on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the appellant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount ;

(ii) The appellant shall co-operate in the conduct of the trial.

9. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this appeal.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.