

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 51 OF 2021**

Lalita Sukhdeo Salunkhe
sister on behalf of
Abhijit Chandrakant Pathrut

... Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Umesh Mankapure for Appellant.
Mr.S.S. Hulke, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.
DATE : 22nd January 2021.

PC. :

The present appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short, “S.C. & S.T. Act”) has been filed by the sister of accused Abhijit Chandrakant Pathrut, for bail of the said accused. The verification is affirmed by sister of accused. The Vakalatnama on behalf of the accused is also signed by the sister of accused.

Mr.Mankapure, learned counsel for the appellant submitted that, the Hon’ble Division Bench of this Court has permitted to adopt such a course. He relies on an Order passed by Division Bench of this Court in Criminal Writ Petition ASDB-LDVC No. 284 of 2020, dated 28th October 2020.

Para 4 of the said Order reads as under :-

“4. We therefore direct the Registry not to accept any Petition and/or Appeal without verification/affidavit of the convict or his relative. In so far as convicts, who are undergoing imprisonment in jail, are concerned, we permit them to get verified the pleadings/averments in the Petition/Appeal before the Superintendent of the concerned Jail. In addition to this, the vakalatnama duly signed and stamped by the jail authority should also be produced.”

In the present case, the appellant is not a convict and is an under-trial prisoner.

2. May that as it may.

This is an appeal under Section 14-A of the S.C. & S.C. Act for bail under Section 439 of the Criminal Procedure Code in CR No.619 of 2019 dated 3rd December 2020 registered with Mangalwedha Police Station, Solapur Gramin, for the offence punishable under Sections 354-A, 504, 506 read with 34 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

3. The First Information Report is lodged by Smt.Monali S. Kamble. It is alleged that, on 2nd December 2020, at about 7.00 pm, the informant

along with her husband was passing through the market, when the appellant made obscene gesture by looking at her and also passed indelcent comments. When the husband of the complainant objected to the act of the appellant and co-accused, all the three accused persons abused husband of the informant in filthy language and threatened him that, they will abduct his wife and he may do whatever he want to do. The informant observed that the appellant and other accused persons were in inebriated condition. The husband of the informant told the appellant and other accused persons that, they were under the influence of alcohol and he will see them tomorrow. After some time, the appellant along with other accused persons went to the house of the informant and again abused her husband in most filthy language and threatened him. The appellant also abused informant and her husband on their caste. In the premise, the present crime is registered.

4. Mr.Mankapure, learned counsel for the appellant submitted that, the present crime is registered out of political enmity as the appellant was intending to contest the then ensuing Grampanchayat Election. He submitted that, the appellant has been falsely implicated in the present crime and therefore he may be released on bail.

5. Perusal of First Information Report would indicate that, the initial incident has taken place at a market place. The informant had no reason to make allegation against the appellant, which imputes her reputation and

dignity in person. She had also no reason to falsely implicate appellant in the present crime. Perusal of F.I.R. clearly indicates that, the appellant abused the informant on her cast in filthy language within public view. A prima-facie case as contemplated under Section 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

The present crime is registered on 3rd December 2020 and it appears that, the investigation of it is not yet completed. If the appellant is released on bail at this stage, he may pressurize and/or threaten the informant and her husband and may also cause harm to them.

6. After taking into consideration the allegations against the appellant and the seriousness of the offence, this Court is of the opinion that the appellant does not deserve to be released on bail at this stage.

7. Appeal is accordingly rejected.

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn

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by Omkar S.
Kumbhakarn
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