

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

CRIMINAL APPEAL NO. 162 OF 2021

Jayesh Vijay Jadhav ... Appellant
Vs
The State of Maharashtra & Anr. ... Respondents

...
Mr. Siddarth Chapalgaonkar, for the Appellant.
Mr. A. R. Patil, APP for Respondent No.1-State.
Mr. M. A. Jadhav (P.S.I.), Central Police Station,
Ulhasnagar present.

...

CORAM : SANDEEP K. SHINDE J.
DATE : 07th OCTOBER, 2021.

P.C. :

. Heard learned Counsel for the appellant and learned
Prosecutor for the State. None appears for respondent No.2
(complainant).

2. Apprehending arrest in connection with C.R. No.10 of
2021 registered with Central Thane City Police Station for
the offences punishable under Sections 500 and 504 of
Indian Penal Code (for short 'IPC') and Sections 3(1)(r), 3(1)

(s) and 3(1)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("The Act of 1989" for short), the appellant is seeking pre-arrest bail.

3. It may be stated that vide order dated 23rd February 2021, appellant was granted interim pre-arrest protection and directed to attend the concerned Police Station on every Wednesday and Friday between 10.00 to 12.00 noon and the notice was issued to the complainant. Mr. Kamble filed his Vakalatnama on behalf of the complainant.

4. Appeal was called out on 30th September, 2021. Nobody had appeared on behalf of the complainant. Today also, none appears for the complainant.

5. The prosecution case in brief is that, the complainant runs a printing press, to whom a printing work was given by the appellant. Appellant is Editor of local newspaper. In November 2020, complainant, did printing, as required by the appellant and allegedly demanded Rs.3,000/- from the

appellant. Whereupon appellant refused to pay Rs.3,000/- and hurled casteist abuses. Incident was reported to the local police station. Thereafter, the wife of the appellant tendered apology for the alleged misbehaviour of the appellant and paid Rs.3,000/- to the complainant. As such dispute was settled. It appears in December 2020, the appellant allegedly released defamatory press note in local newspaper against complainant's brother. Whereafter complaint lodged First Information Report (for short 'FIR') on 7th January 2021.

6. I have perused the complaint and alleged defamatory press note released by the appellant in his local newspaper against complaint's brother.

7. Admittedly, brother of the complainant has not filed complaint against the appellant for releasing defamatory note. Admittedly, note at page No.14 does not make reference to the caste of the complainant or his brother. Admittedly, alleged incident hurling the abuses relating to

the caste had taken place in November 2020. Complaint admits, the wife of the appellant paid Rs.3,000/- to him on 12th November 2020 and the dispute was resolved. It is only after the press note was released on 18th December 2020, complainant had filed the report on 7th January 2021.

8. Learned Counsel for the appellant would submit that, irked by the released of press note, appellant has been implicated on false accusations by taking coerce to alleged incident which had occurred in November 2020, but was closed soon thereafter. Therefore, learned Counsel submitted applicant has been implicated in a false case and no offence under the Act of 1989 is made out.

9. Learned Prosecutor on instruction submits that investigation of the case is over.

10. Prima facie, it appears that a complaint was lodged by the complainant being aggrieved by the alleged defamatory press note released by the appellant against his brother.

The press note admittedly does not refer to the caste of the complainant. However, complainant sought to prosecute appellant, by referring to incident that had occurred in November, 2020 which was settled on the same day. In consideration of the facts of the case, in my view, prima facie no case is made out against the appellant under the Act of 1989. For that reason, a case is made out for granting the pre-arrest protection to the appellant. Thus I pass the following order.

ORDER

(a) In the event of the arrest of the appellant in Crime No.10/2021 registered with Central Police Station, District Thane City, he shall be released on bail on executing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like sum;

(b) The applicant shall report to the Investigating Officer as and when called and co-

operate in the investigation;

(c) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

11. The appeal is accordingly allowed and disposed of.

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

(SANDEEP K. SHINDE, J.)

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