

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

Amk

CRIMINAL APPEAL NO. 202 OF 2021

Aditi Ashwin Jain .. Appellant
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr. Amit Ghag a/w. Mr. Jayant Bodke, Mr. Viral Babar and Mr. Malhar Kadam for the Appellant.
Mr. Deepak Thakre, PP a/w. Mrs. S. D. Shinde, APP for the Respondent-State.

Arjun M. Kadam
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Date: 2021.03.09 15:37:26 +0530

CORAM : S. S. SHINDE & MANISH PITALE, JJ.
DATE : 8th MARCH, 2021.

P. C. :

1. Heard learned Counsel appearing for the Appellant. He submits that the Appellant has no role to play in the alleged offence. She is married daughter of main accused-Ashwinkumar Jain. As per the allegations in the FIR, her father is main accused. It is submitted by no stretch of imagination the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attracted qua the Appellant. It is submitted that though the Appellant has signed the cheque, she has no active role in the business of her father. She has nothing to do with the alleged transactions. It is only because of her father that she signed the cheque. Substantial amount is paid to the informant even prior to the registration of the FIR.

2. Learned APP submits that the Appellant is named in the FIR. She has abused the informant on his caste. Further, the Appellant has signed the cheques and she is also a developer with the main accused, who is father of the Appellant. Learned APP invites

attention of this Court to the impugned order and submits that the Appeal may be dismissed.

3. In reply to the argument of the learned APP, learned Counsel appearing for the Appellant submits that on the alleged date of incident, the Appellant was not personally present. When the complaint was filed before the Magistrate, there was no allegation by the informant that the Appellant abused him on caste.

4. Upon appreciating the rival contentions and on perusal of the FIR, the involvement of the present Appellant is prima facie indicated. The matter is pending for investigation and from the perusal of the FIR, we find that the informant has specifically alleged against the Appellant that she has abused him on caste. Apart from this, admittedly, the Appellant has signed the cheque, which was given to the informant and said cheque, on presentation to the bank, was dishonoured. The Special Court, in paragraph 5 of the impugned order, has mentioned cogent reasons for not entertaining the application of the Appellant for anticipatory bail.

5. In the light of discussion herein above, we do not think this is a fit case to exercise the discretion in favour of the Appellant and grant protection to the Appellant. Hence, the Appeal stands dismissed.

6. The observations made hereinabove are prima facie in nature and confined to the present Appeal. The Trial Court shall not get influenced by said observations while considering the prayer for regular bail or trial as the case may be.

[MANISH PITALE, J.]

[S. S. SHINDE J.]