

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 385 OF 2020

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| 1. | Nanda Sudam Natu & | |
| 2. | Bhushan Sudam Natu | ... Appellants |
| | V/s. | |
| 1. | The State of Maharashtra & | |
| 2. | Gorakh Baburao Khandale | ... Respondents |

Mr.Sandeep Salunkhe for Appellants.
 Mr.Amit Palkar, A.P.P. for Respondent No.1-State.
 Mr.Pranav Bhoite for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 11th February 2021.

PC. :

This is an Appeal under Section 14A of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “the S.C. & S.T. Act”) for pre-arrest bail under Section 438 of the Code of Criminal Procedure (for short, “Cr.PC.”) in CR No.148 of 2019, dated 22nd February 2019, registered with Yawat Police Station, District – Pune, for the offence punishable under Sections 143, 149, 141, 504, 506 of Indian Penal Code and Section 7(1)(d) of The Protection of Civil Rights Act, 1955. The respondent No.2 has lodged the present crime on 22nd February 2019.

2. Heard Mr.Salunkhe, learned counsel for the appellants, Mr.Palkar, learned A.P.P. for the respondent1-State and Mr.Bhoite, learned counsel for the

respondent No.2.

3. The First Information Report is lodged by respondent No.2. It is stated that, the Tahsildar of Taluka Daund, District Pune and the Sub-divisional Officer, Daund/Purandar, District Pune, by their Order bearing No. SR/30 of 2012 had directed to construct a road going to the Dalit Vasti of village Nathachiwadi, Taluka Daund, District Pune. The said road was passing through the land of Aappa Nana Thombare, Arjun Mahadev Natu, Chandrakant R. Natu and Ananda Kalyan Natu. As the Government Authority had started construction of the road, the said four persons and their family members got enraged and on 4th November 2018, 24th November 2018 and 21st December 2018 quarreled with the informant and his family members and also abused the informant in filthy language on his caste. It is also stated that, on 21st December 2018 a person by name Sanjay Inamake from the village of the respondent No.2, on the loudspeaker of Vitthal-Rukmini Temple made a public announcement that, the informant and his family members are disturbing peace and tranquility of the said village and therefore, a meeting would be conducted of the villagers to decide the course of action against them. The informant and his family members got petrified because of the said announcement and did not lodge complaint immediately. In the brief premise, the present F.I.R. is lodged.

4. Record indicates that, out of the total 11 persons named by the informant in his F.I.R. except the appellants, other 9 persons have been granted pre-arrest bail by the Trial Court by its Order dated 26th February 2020, predominantly on the ground that, no prima-facie case is made out against them, as they did not hurled abuses on caste or indulged into quarrel with the informant and/or his family members.

A minute perusal of F.I.R. and the Order dated 26th February 2020 passed by the Trial Court clearly indicates that, the role attributed to the other 9 co-accused is same and/or similar to one which is attributed to the appellant No.1 Mrs.Nanda Natu. As far as the appellant No.1 Mrs.Nanda Natu is concerned, absolutely vague allegations are made against her and except her common participation along with other accused persons, no other role has been attributed to her. Therefore, appellant No.1 Smt.Nanda Natu is entitled to be granted pre-arrest bail on the ground of parity with other accused persons, who have been granted bail by the Trial Court by its Order dated 26th February 2020.

5. As far as appellant No.2 Bhushan Sudam Natu is concerned, specific allegations and role has been attributed to him. It is the appellant No.2 Bhushan Natu, who has abused the informant and his family members in filthy language on their caste, despite the clear knowledge that, the informant belongs to schedule caste. The said abuses were hurled in public view and in

presence of other witnesses.

A strong prima-facie case against appellant No.2 Bhushan Natu is made out by the prosecution and therefore, appellant No.2-Bhushan Natu cannot be protected by pre-arrest bail and the appeal of appellant No.2-Bhushan Natu is accordingly rejected.

6. Hence, the following Order :-

- (1) The Appeal filed by the Appellant No.2-Bhushan Sudam Natu is rejected.
- (2) Appellant No.1-Mrs.Nanda Sudam Natu is protected by pre-arrest bail on following conditions.
 - (i) In the event of arrest, Appellant No.1 Mrs.Nanda Sudam Natu be released on bail CR No.148 of 2019, dated 22nd February 2019, registered with Yawat Police Station, District – Pune, on her furnishing P.R. bond of Rs.15,000/- with one or two local sureties in the like amount.
 - (ii) Appellant No.1 shall not contact the first informant and pressurize prosecution witnesses.
- (3) Appeal is partly allowed in the aforesaid terms.