

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

**ANTICIPATORY BAIL APPLICATION NO. 1042 OF 2021
WITH
INTERIM APPLICATION (ST.) NO. 7661 OF 2021**

Capt. Gopal Nambiar	... Applicant
Versus	
The State of Maharashtra	... Respondent

.....

Mr. Ghanshyam Upadhyay i/by Law Juris, Advocate for the Applicant. (V.P. Withdrawn).

Mr. Murtaza Najmi a/w Mr. Sajid Shamin i/by S. Shamim & Co. Advocate for the Applicant (V. P Filed).

Mr. Y. Y. Dabake, APP for the Respondent – State.

Mr. Ayaz Khan, Advocate for the applicant in Interim Application.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT:

1. Mr. Upadhyay submits that he has returned the papers to the applicants and he may be discharged from appearing for applicant. Learned Advocate Mr. Murtaza Najmi submits that he has filed his Vakalatnama for the applicant. However, his name is not shown on board.

2. The papers are produced for seeking amendment to the application It is submitted that the provisions of Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989 (for short “the said Act”) are invoked.

3. Learned APP pointed out that Section 3(1)(W)(i)(ii) of the said Act are invoked against the applicant.

4. Learned counsel for the applicant however submits that the provisions of the said act were applied after the Sessions Court had rejected the application for anticipatory bail. However, since the provisions of the said Act are invoked, the applicants are required to prefer an appeal under Section 14(A) of the said Act.

5. The applicants are permitted to convert this application into an appeal and after the conversion, the matter may be placed before the appropriate Court.

6. Leave to amend to add the complainant as respondent in this appeal. Interim protection granted by this Court shall continue for a period of two weeks from today.

7. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)