

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

CRIMINAL APPEAL NO.548 OF 2021

Datta Ashok Dhawade ... Appellant
Vs
The State of Maharashtra & Anr. ... Respondents
...

Mr. Rupesh A. Zade for the Appellant.
Mr. A.R.Patil, APP for the Respondent No.1-State.
Ms. Shradha Sawant (Appointed) for Respondent No.2.

CORAM : SANDEEP K. SHINDE J.
DATE : 7th SEPTEMBER, 2021.

P.C. :

Heard the learned counsel for the appellant, the learned counsel for the complainant (appointed) and the learned Prosecutor for the State.

2 It is an appeal under Section 14A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 ('**SC & ST Act**' for short).

3 Apprehending arrest in connection with the Crime No.0153 of 2021 registered with Bhigwan Police Station for the offences punishable under Sections 354D, 504 of the Indian Penal Code, 1860 and Section 3(1)(r)(s), 3(2)(va) of the SC & ST Act, applicant is seeking pre-arrest bail. Primary evaluation of the First Information Report suggests alleged casteist abuses hurled by the applicant with intent to humiliate were not in “public view”, which is essential ingredient of the offence under Section 3(1)(r),(s) of the Act. Besides, it may be stated that the allegations of “Stalking” are prima-facie, not conceivable in view of the strained relationship between the applicant and the complainant, in-as-much as the appellant’s wife contested Gram-Panchayat Elections wherein complainant had filed nomination but withdrew it subsequently.

4 In consideration of the nature of allegations, in my view, prima-facie, application of the provisions of the SC

& ST Act are doubtful. For these reasons, appeal is allowed and hence, the following order:

ORDER

- (I) In the event of arrest, the appellant be enlarged on bail in Crime No.0153 of 2021 registered with Bhigwan Police Station on executing the PR bond in the sum of Rs.15,000/- with one or more sureties in the like sum.
- (ii) Appellant shall report to the Investigating Officer as and when called.

5 Appeal stands disposed of accordingly.

(SANDEEP K. SHINDE, J.)