

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 655 / 2021

Vishal Kishore Pardeshi and Ors. .. **Appellants**

Versus.

The State of Maharashtra and Anr. .. **Respondents**

Mr. Bhushan U. Deshmukh, Advocate for the Appellants.

Mr. A.R. Patil, APP for State.

Mr. Manohar More, P.S.I., Yeola City Police Station.

CORAM : SANDEEP K. SHINDE J.

DATE : 27th SEPTEMBER, 2021.

P.C. : -

1. Heard. This appeal is filed under 14A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1999 ('SC/ST Act' for short).

2. This Court vide order dated 18th August, 2021 granted interim pre-arrest protection to the Appellants by reasoned order and issued notice to the Complainant (Respondent No.2).

3. Although, the Respondent No.2 has been served, he is not present. A copy of notice served on the Respondent No.2, is taken on record and marked 'X-1' for identification.

4. Apprehending the arrest in connection with Crime No. 298/2021 registered with the Yeola Police Station, Yeola, Nashik for the alleged offences punishable under Sections 504, 506 read with 34 of the Indian Penal Code and Sections 3(1)(s), 3(1)(b), 3(1)(c), 3(2)(v)(a), 3(1)(z) of the SC/ST Act.

5. Heard. Learned Counsel for the Appellants and Mr. Patil, learned APP for the State. Officer attached to the concerned police station is present.

6. Although, the alleged incident occurred in 2019 and on 24th February, 2020, first information report was lodged on 23rd June, 2021. Indisputably alleged incident was not witnessed by the Complainant. Besides, neither the complaint, nor the investigation record shows that alleged abuses in

relation to 'caste' were hurled to the Complainant. Therefore allegations, prima-facie do not constitute offence under the Act, 1999. Against the Appellants, there are no criminal antecedents. The Appellants are residents of the Taluka Yeola and therefore their presence for the trial can be secured by imposing suitable conditions.

7. Appeal is allowed and hence the following order.

O R D E R

i. In the event of the arrest, the Appellants be enlarged on bail on executing P.R. Bond in the sum of Rs. 20,000/- each with one or two sureties in the like amount;

ii. The Appellants shall report to the Investigating Officer of the concerned Police Station as and when called for.

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(SANDEEP K. SHINDE, J.)

Najeeb..