

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 182 OF 2021

BHARAT SHIVAJI MADANE } APPELLANT

V/S.

**THE STATE OF MAHARASHTRA
AND ANR. } RESPONDENTS**

* * * *

Mr. Rupesh Zade, Advocate for the appellant.

Mr. A.R. Patil, APP for State-respondent no.1.

Mr. Jitendra Gaikwad, Advocate for respondent no.2.

API, Mr. R.J. Ghuge, from Baramati Taluka Police Station
present.

Coram : Sandeep K. Shinde, J.

Tuesday, 21st December, 2021.

P.C. :

1. Heard learned Counsel for the appellant, learned
counsel for the complainant and learned APP for State.

2. Appellant seeks pre-arrest bail in connection with
Crime 400/2020 registered at Baramati Taluka Police
Station for the offences punishable under Sections 354(A),

323, 324, 504, 506 read with Section 34 of the Indian Penal code and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“Atrocities Act” for short).

3. This Court vide order dated 11th August, 2020 granted interim pre-arrest protection to the appellant on certain terms and conditions. Mr. Patil, learned APP, on instructions from the Officer present in the Court, submitted that the appellant has co-operated in the investigation and further, final report has been filed against the accused in the said crime.

4. I have perused the final report. The accusations in the FIR against the appellant, prima-facie, do not disclose the commission of offence under the Atrocities Act. Even otherwise, investigation is over and final report has been filed against the appellant. In that view of the matter, appellant’s custody is not required. Thus, in the event of arrest of the appellant in C.R. 400/2020 registered with

Baramati Taluka Police Station, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

5. The appellant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

6. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

6. Appeal is disposed of in the above terms.

(Sandeep K. Shinde, J.)