

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

CRIMINAL APPEAL NO.673 OF 2021

Bunty @ Kunal K. Pardeshi ... Appellant
Vs
The State of Maharashtra ... Respondents

Mr. Bhushan U. Deshmukh for the Appellant.
Mr. Khamkhedkar APP for the Respondent-State.
Mr. A.R.Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 8th SEPTEMBER, 2021.

P.C. :

Heard.

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

3 Applicant seeks his enlargement on bail in
connection with the Crime No.298 of 2021 dated 23rd

June, 2021 registered with Yeola City Police Station for the offences punishable under Sections 504, 506, 34 of the Indian Penal Code, 1860 read with 3(1)(b), 3(2)(v) (a), 3(1)(r), 3(1)(s), 3(1)(c) and 3(1)(2) of the Act of 1989.

4 Applicant was apprehended on 2nd August, 2021.

5 Prosecution case in brief is that the complainant is RTI activist, residing in Pinjar Lane, Yeola. His sister is also residing in the same city at Bundelpura, Yeola. Complainant would allege that on 19th May, 2019, one Kishor Pardesi, his son Buntty @ Kunal (Applicant), Mrs. Kirtibai, her husband Vijay Singh intentionally insulted his sister and her family members, in relation to her caste, at public place. He would allege that applicant and the co-accused

attempted to disconnect common/public water tap provided to the residents of the locality where his sister is living. He alleged, that on 24th February, 2020, applicant with intent to cause annoyance, dumped waste matters near the house of his sister, abused her and her family members in relation to her caste in the public view and again damaged the common water tap provided by the local authority. Although the incident had taken place in February, 2021, report was lodged in June, 2021. It may be stated that 'victims' of the incident have not lodged the complaint. Although, it is argued that complainant was not present on the spot and therefore, he has no locus, the learned counsel for the complainant would submit that complainant being relative of the victim has the locus to file the complaint. Be that as it may, it appears, the learned Sessions Judge declined the bail in view of the criminal antecedents.

6 Nevertheless, applicant has been incarcerated since 2nd August, 2021. Investigation is almost over. Prosecution could not justify his further detention and since trial is not likely to commence in near future, application is granted. Hence, the following order:

ORDER

(I) The applicant in Crime No. 298 OF 2021 registered with Yeola City Police Station, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) The applicant shall attend the concerned police station twice a month, i.e., 1st and 3rd Monday of every month between 11 a.m. to 1 noon till the charge-sheet is filed.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating

Officer within seven days from the date of his release on bail.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

7 The application is accordingly allowed and disposed of.

(SANDEEP K. SHINDE, J.)