

Tauseef

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

CRIMINAL APPEAL NO.511 OF 2020

Deoram Tukaram Jadhav	...Appellant
V/S.	
State of Maharashtra & Anr.	...Respondents

Mr. Pratik Kalantri, Advocate for Appellant.
Smt. Rutuja Ambekar, APP for State / Respondent No.1.
Mr. Ajay Bhise, Advocate for Respondent No.2.

CORAM : A. S. GADKARI, J.
DATE : 10th FEBRUARY 2021.

P.C. :

1. This is an Appeal under Section 14A of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, '*the S.C.S.T. Act*'), for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973, in C.R. No.I-325 of 2020 dated 17th June 2020, under Sections 143, 147, 149, 323, 504, 506 of the Indian Penal Code and under Sections 3(1)(r)(s), registered with Upnagar Police Station, Nashik.
2. Heard Mr. Kalantri, learned counsel for the Appellant, Mrs. Ambekar, learned APP for the Respondent No.1-State and Mr. Bhise learned Advocate for Respondent No.2. Perused the record.
3. The First Information Report is lodged by Respondent No.2, on 17th June, 2020. It is alleged that, on 17th June, 2020, when the

Government Officers were barricading a containment zone, as it found Covid-19 (CORONA Virus) positive patients, the Respondent No.2 was accompanying them. It is alleged that, at that time, the Appellant alongwith Jagan Jadhav and other accused persons, abused Respondent No.2 in filthy language and threatened him, with serious consequences. It is further alleged that, co-accused Jagan Jadhav, abused Respondent No.2 in filthy language on his caste. In the brief premise, F.I.R is registered.

4. A bare perusal of F.I.R. would clearly indicate that, it is the Jagan Jadhav, who hurled abuses on the caste of Respondent No.2, whereas, the other accused persons abused Respondent No.2 in the filthy language.

The learned District Judge-III and Additional Sessions Judge, Nashik, while granting pre-arrest bail to Jagan Jadhav and other co-accused, by its Order dated 10th July, 2020, in para 12, has observed that, it was the Appellant herein who abused the informant on his caste. That, no specific role has been attributed to other accused persons, as far as abusing Respondent No.2 on his caste, is concerned.

5. It is to be noted here that, the Trial Court has granted pre-arrest bail to co-accused Jagan Jadhav on incorrect assumption of facts. As noted earlier, it is the Jagan Jadhav, who had abused Respondent No.2 on his caste in filthy language.

As the said Jagan Jadhav, who has played vital role in the present crime, has been granted pre-arrest bail by the Trial Court, the Appellant is entitled to be granted pre-arrest bail on the ground of parity.

6. Hence the following Order:

- a) In the event of arrest in C.R. No.I-325 of 2020 dated 17th June 2020, registered with Upnagar Police Station, Nashik, the Appellant shall be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) Appellant shall not contact with Respondent No.2 herein.
- c) Appellant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- d) Appeal is allowed in the aforesaid terms.

(A. S. GADKARI, J.)

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