

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

CRIMINAL APPEAL NO.778 OF 2021

Ramchandra Kisan Gardade and
Anr. ... Appellants
Vs
The State of Maharashtra
& Anr. ... Respondents
...

Mr. Pranav H. Bhoite for the Appellants.
Ms. Veera Shinde APP for the Respondent-State.
Mr. Ranjeet M. Pawar for the Respondent No.2.
PSI R.M.Ghadge, Yavat P.Stn. Pune Rural present.

CORAM : SANDEEP K. SHINDE J.
DATE : OCTOBER 22, 2021.

P.C. :

In this appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("Act of 1989" for short), appellants are seeking pre-arrest bail in connection with the Crime No.0770 of 2021 registered with Yavat Police Station for the offences punishable under

Sections 323, 143, 504, 506 of the Indian Penal Code, 1860 and Section 3(1)(r)(s), 3(2)(va) of the Act of 1989 and Section 7(1)(d) of the Protection of Civil Rights Act, 1955.

2 Briefly stated, prosecution case is that the complainant is a social worker, eventually president of 'Matang Samaj'. Appellant No.1 is in the business of brickkiln; whereas appellant no.2 is public servant and the relative of appellant no.1. Complainant allegedly mediated in the dispute between the appellant no.1 and workers working on his brickkiln. Complainant allegedly reprimanded with caution that she shall not interfere in the dispute between him and his workers. Incident was reported by the appellant no.1 to Yavat Police Station on 4th September, 2021. A report is at Page 29. It shows, efforts were made to resolve the dispute amicably in the presence of senior villagers and members of organisation of which the complainant is

president. Appellant no.1 alleged that the complainant demanded money to resolve the dispute and threatened that she would lodge complaint against him and the appellant no.2 under the Atrocity Act. Whereafter on 7th September, 2021 complaint was filed against the appellants by the complainant, who is leading the organisation as stated above. Whereupon Crime in question came to be registered against the appellants. This Court on 4th October, 2021 has granted ad-interim relief and notice was issued to the complainant. Complainant has caused her appearance through her advocate.

3 Heard the learned counsel for the appellants, the prosecutor and the learned counsel for the complainant.

4 While granting ad-interim relief to the appellants, the State was directed to verify the complaint filed by the appellants on 4th September, 2021 against the complainant. It is informed that no inquiry was made by Investigating Officer to verify the allegations. Additionally, it is informed that prosecution has not verified the alleged dispute between the appellant no.1 and his workers, which is genesis of the complaint in question. It may be stated that though the alleged incident had occurred on 1st September, 2021, complaint was lodged on 6th September, 2021 and that too after complaint was lodged by the appellant no.1. Prima-facie, therefore, the complaint has been lodged by the complainant to counter the allegations made by the appellant no.1. Taking overall view of the facts of the case and upon primary evaluation of the material, in my view, complaint does not make out offence under the Act of 1989. Additionally, it may be stated that the

appellants have reported to the concerned Investigating Officer on 11th, 14th and 18th October, 2021 and co-operated in the investigation and, therefore, appellants' custody, may not further prosecution case. Even otherwise case-diary has not been produced, to show custody of appellants is imperative. In fact, appellant no.2 is public servant and apparently, she has been implicated on absolutely vague allegations. Both are permanent residents of Taluka: Daund and their presence for further investigation can be secured by imposing suitable conditions.

5 In consideration of these facts, appeal is allowed. Hence, the following order:

(i) In the event of arrest of the appellants in Crime No.0770 of 2021 registered with Yavat Police

Station, Pune Rural, they shall be released on the P.R.Bond of Rs.20,000/- each.

(ii) Appellants shall join the investigation as and when called by the Investigating Officer.

(SANDEEP K. SHINDE, J.)