

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 62 OF 2021

Manoj Somanna Gavali

... Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Ajit Alange i/b. Mr.Mahendra Sandhyanshiv for Appellant.

Ms.Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 22nd January 2021.

PC. :

The appellant is apprehending arrest in C.R. No.70 of 2018 dated 6th August 2018 registered with Malegaon Camp Police Station, Nashik for the offence punishable under Sections 323, 324, 427, 504, 506, 354 read with 34 of the Indian Penal Code and under Sections 3(i)(1)(r), 3(i)(1)(5), 3(i)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. Perusal of First Information Report would indicate that, the offence took place in two parts. The first part took place at about 9.15 pm when the presence of the applicant has been mentioned by the informant.

Prima-facie it appears that, in the said incident, no abuses on the caste of

Vishal Hire or any other person hurled by the accused. The second part of offence took place at about 10.30 pm, wherein it appears that the applicant was not present and co-accused Arjun Agarwal, Pandurang Gavali, Prakash Gavali and Anil Gavali were only present and the said accused abused informant and other person on their caste.

Prima-facie it appears that, no case as contemplated under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out from the bare perusal of First Information Report as against the appellant.

The record indicates that, the police have already submitted 'Final Report' before the learned Judicial Magistrate First Class, Court No.2, Malegaon, District Nashik on 12th October 2018.

3. Learned A.P.P. seeks time to peruse record and to take instructions in the matter.

At her request, stand over to 12th February 2021.

4. Till the next date, the appellant is protected by interim relief.

Hence, following order.

- (i) In the event of arrest in C.R. No.70 of 2018 dated 6th August 2018 registered with Malegaon Camp Police Station, Nashik, the applicant shall be released on bail on his furnishing PR bond in the

sum of Rs.10,000/- with one or two local sureties in the like amount.

- (ii) Applicant shall attend Malegaon Camp Police Station, Nashik on 29th January 2021, 3rd February 2021, 5th February 2021 and 10th February 2021 between 10 am and 12 noon and to join the process of investigation, if it is pending qua the appellant.
- (iii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iv) Applicant shall not contact the informant and pressurize the prosecution witnesses.

5. Stand over to 12th February 2021.

[A.S. GADKARI, J.]