IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO. 217/2020

Rohit Shivchand Pardhi **Vs** State of Maharashtra, through P.S.O., P.S. Wadi, Nagpur.

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Shri P.S.Wathore, Advocate for applicant.
Ms Shamsi Haider, APP for respondent.
Ms Priyaka Dube, Adv. h/f Shri M.S. Vakil, Advocate for complainant.

CORAM : S.M. MODAK, J.
DATE : 29th JUNE, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri P.S.Wathore, for the applicant, learned Additional Public Prosecutor Ms Shaimsi Haider, for the State and Ms Priyanka Dube, Advocate h/f Shri M.S. Vakil, Advocate for respondent No.2/First Informant. There is a consensus amongst both the parties of filing of a charge sheet before the Sessions Court, Nagpur.

3. This Court, as per the order dated 15.04.2020 was pleased to grant ad-interim protection from the arrest. At that time, the offences under Section 306, 201, read with Section 34 of the Indian Penal Code came to be registered. Today, it is clarified that in fact offence is registered only against the present accused. However Copy of First Information Report dated 13.03.2020 is there and Section 34 of the Indian Penal Code was also applied. Later on, the police have invoked Section 3(2)(v) of

the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that it has been involved wrongly.

4. It is true that as per Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the provisions of Section 438 of Code of Criminal Procedure are not applicable. There cannot be any dispute to the said provisions. But, the fact remains that even without arresting this applicant, charge sheet came to be filed. It indicates that, custodial interrogation of the applicant was not needed. Hence, this fact is considered while confirming the ad-interim bail granted earlier. This Court has not expressed any opinion whether the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and have been invoked rightly or wrongly.

5. In view of the peculiar circumstances, this Court is confirming the ad-interim protection granted earlier. Hence, the order :-

ORDER

1] The ad-interim protection granted on 15.04.2020 is confirmed.

2] The applicant not to threaten the prosecution witnesses.

3] The prosecution is at liberty to apply for cancellation

of bail, if the applicant will breach the condition of the order and if it is filed then it will be decided on merits.

JUDGE

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