

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

CRIMINAL APPLICATION (APPA) 363 OF 2021 IN
CRIMINAL APPEAL NO. 55 OF 2021

Anilsingh Dashrathsingh Gautam

...Versus...

State of Maharashtra, PSO, P.S. Pusad City, Tq. Pusad,
Distt. Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.J. Shinde, Advocate for applicant/appellant
Ms K.R. Deshpande, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.
DATE : 28/06/2021

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

2. This application is filed under Section 15(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the dependent of the victim, praying for her impleadment as respondent No.3 in Criminal Appeal No. 55 of 2021.

3. For the reasons stated in the application, the application is allowed. The appellant is directed to add the sister of victim namely Sonali Tukaram Hate as respondent No.3 in the present appeal. The amendment to be carried out within four days from today.

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1. On addition of respondent No.3, issue notice to the respondent No.3.

2. Learned Advocate Shri Abdul Subhan waives service for respondent No.3. He prays for time to file affidavit for opposing the bail application.

3. List the matter on 13/07/2021 for further consideration.

4. In the meanwhile, taking into consideration the allegations in the First Information Report and the fact that *prima facie* no offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act) is made out and that the alleged incident had taken place in the year 2018 and the appellant is a retired Dy.S.P., till the investigation papers are made available, the appellant needs to be protected.

5. In the event of the arrest of the appellant in Crime No.362/2020, registered with Police Station Pusad City, District Yavatmal for the offences punishable under Sections 323, 504 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant be released on bail on his executing P.R. Bond in the sum

of Rs. 25,000/- with one or two sureties in the like amount.

6. The appellant shall attend the concerned Police Station on 05/07/2021 and 08/07/2021 between 10.00 a.m. to 2.00 p.m. and shall cooperate in the investigation.

7. The appellant shall be deemed to be in the custody of the Investigating Officer for the purposes of Section 27 of the Indian Evidence Act, 1872.

8. The appellant shall not influence the prosecution witnesses or tamper the prosecution evidence.

JUDGE