

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.48 OF 2022

Milind Avchit Baisane @ Balsane ..Appellant

Vs.

State of Maharashtra and anr. ..Respondents

Mr.M.R.Wagh, Advocate for appellant
Mr.S.P.Sonpavale, APP for respondent no.1
Mr.Swapnil Mule, Advocate (appointed) for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 01, 2022**

ORDER :-

This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Act for short).

2. The challenge in this appeal is to the order dated 12.01.2022 passed by the Addl. Sessions Judge, Dhule, refusing to grant the appellant herein bail in connection with Crime No.112 of 2021 registered at Mohadi-Nagar Police Station, Dhule, for the offences punishable under Sections 354, 504 and 506 read with Section 34 of Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Act.

3. Perused the First Information Report (FIR) and the related papers.

4. Both learned APP for respondent no.1 and learned counsel representing respondent no.2 – informant, would submit that the appellant has criminal antecedents. Not less than four crimes have been registered against him, before one in question. Investigation is in progress. If released on bail, the appellant is likely to commit offence against the informant. They, therefore, urged for dismissal of the appeal.

5. Learned counsel for the appellant would submit that the FIR has been lodged three days after the alleged incident. The appellant has been behind the bars since 10.01.2022. Considering the nature of offences, the appellant may be granted bail.

6. The FIR has been lodged on 10.12.2021 in respect of the incident dated 07.12.2021. It is revealed from the FIR that both the appellant and the informant have been running two separate motor driving schools. All has not been well between the two. The appellant is alleged to have been abusing the informant and spreading canards against her. So far as regards the incident dated

07.12.2021 is concerned, it has been alleged that the appellant and his wife came to know that the informant was about to approach police station to lodge a report against them. Both of them, therefore, intercepted her way. Wife of the appellant manhandled and beat up the informant. She also abused her over her caste. The appellant is alleged to have caught hold of the informant with a view to outrage her modesty.

7. The appellant belongs to Scheduled Caste community. The provisions of the Act, therefore, could not be invoked against him. What has been allegedly done by the appellant is that he abused the informant and caught hold of her hand with a view to outrage her modesty. Admittedly, the relation between the two have not been good. The FIR has been lodged three days after the alleged incident. The appellant has been behind the bars since 10.01.2022. Considering all these facts, the appeal is allowed in terms of the following order :-

(i) The appeal is allowed.

(ii) The appellant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount in connection with Crime No.112 of 2021 registered

at Mohadi-Nagar Police Station, Dhule, for the offences punishable under Sections 354, 504 and 506 read with Section 34 of Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the following conditions:-

(a) The appellant shall not tamper with the prosecution evidence.

(b) The appellant shall mark his attendance at the concerned police station twice a week i.e. on Sunday and Thursday between 12:00 noon and 01:00 p.m., for next four months.

(iii) Fee of the learned counsel (appointed) to represent respondent no.2-informant is quantified at Rs.6,000/- (Rupees Six Thousand only).

[R.G. AVACHAT, J.]

KBP