

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

CRIMINAL APPEAL NO. 102 OF 2022

Ashok Dilip Gadhave

..APPELLANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. S.T. Shelke, Advocate for appellant

Mr. R.B. Bagul, A.P.P. for respondent no.1 – State

Ms. S.G. Sonawane, Advocate for respondent no.2

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CORAM : R.G. AVACHAT AND

R.M. JOSHI, JJ.

DATE : 20th OCTOBER, 2022

PER COURT :

1. This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act'). The challenge in this appeal is to an order dated 17th August, 2021 in Criminal Bail Application No. 258 of 2021 passed by the learned Additional Sessions Judge-1, Kopergaon refusing to grant the appellant anticipatory bail in connection with Crime No. 166 of 2021 registered with Rahata Police Station, Dist. Ahmednagar for the offences punishable under Sections 326, 143, 147, 148, 323, 504 and 506 of the Indian Penal Code ('I.P.C.') and under Sections 3(1)(r) and 3(1)(s) of the Act.

2. Heard. Perused the First Information Report ('F.I.R.') and related papers.

3. Learned A.P.P. and learned counsel for Respondent No.2 – complainant would submit that the allegations in F.I.R. undoubtedly make out the offence/s punishable under the Act, and therefore, there is bar under Section 18 of the Act to grant pre-arrest bail.

4. The F.I.R. has been lodged two days after the alleged incident. Co-accused have been attributed with the assault on the informant. So far as regards present appellant is concerned, he is alleged to have abused the appellant alongwith other co-accused in chorus over caste of the informant. We are unable to comprehend that as to how six culprits would abuse the informant in the same words in one voice. Nothing more has been attributed to the appellant. He has already been granted interim protection. It is informed that the charge-sheet has been filed. In spite of strong objection by learned A.P.P. and learned counsel for Respondent No.2 relying on the criminal antecedents of the appellant, we are inclined to allow the appeal.

5. In view of above, the appeal is allowed. Order dated 10th February, 2022, granting the appellant interim bail, is hereby made absolute.

(R.M. JOSHI, J.)

SSD

(R.G. AVACHAT, J.)