

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

CRIMINAL APPEAL NO.133 OF 2022

1. Shamshuddin S/o Munshi Shah
 2. Feroz S/o Shamshuddin Shah
 3. Ansar S/o Mansoor Shah
- ... Appellants

Versus

1. The State of Maharashtra
 2. Shobha W/o Raju Birsane
- ... Respondents

....
Mr. J.V. Deshpande, Advocate for the Appellants
Mr. R.D. Sanap, APP for Respondent No.1/State
Mr. A.H. Dhupe, Advocate for Respondent No.2
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 26 SEPTEMBER 2022

PER COURT:-

1. Feeling aggrieved by the order of rejection of the anticipatory bail passed by the learned Special Judge, Aurangabad in bail application No.237 of 2022, the present appellants have preferred this appeal and prayed for same relief of anticipatory bail.

2. Heard Mr. J.V. Deshpande, learned counsel for the appellants, Mr. Sanap, learned APP for respondent No.1/State and Mr. Dhupe, learned counsel for Respondent No.2. /first informant.

3. It appears from the record that this Court was pleased to grant interim protection vide order dated 17.02.2022 on certain conditions. That interim protection granted by this Court is in force till date.

4. Mr. Sanap, learned APP for respondent No.1/State submits that the Sub Divisional Police Officer, Aurangabad (Rural) has filed 'B' Summary report before the Special Court, Aurangabad. However, no decision is taken by the concerned Court. He made available the report submitted by the Sub Divisional Police Officer, Aurangabad (Rural) dated 12.08.2022.

5. Mr. Dhupe, learned counsel for respondent No.2/first informant submitted that in view of 'B' summary report filed by the Sub Divisional Police Officer, Aurangabad (Rural), the appellants may approach to the concerned Court by filing an application for regular bail. There is no need to grant anticipatory bail.

6. I have considered the submissions of both the sides. Perused the report submitted by Sub Divisional Police Officer, Aurangabad (Rural).

7. It is revealed that the Sub Divisional Police Officer, Aurangabad (Rural) has submitted 'B' Summary report in connection with Crime No.32 of 2022 registered at Phulambri Police Station for the offences punishable under Sections 143, 147, 149, 109, 323, 504, 506, 452, 354-B of the Indian Penal Cod, and under Sections 3(1) (r), 3(s), 3(1)(w) (i), 3(1)(w)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Atrocities Act' for the sake of convenience). In concluding para of the report submitted by the Sub Divisional Police Officer, Aurangabad (Rural), it is made clear that the first informant has filed false complaint against the appellants, their relatives, children, and the persons from the same area. In view of this scenario, it would be just and proper to confirm the interim protection granted by this Court.

ORDER

- (i) The appeal stands allowed.
- (ii) The impugned order of rejection of anticipatory bail passed by the learned Special Judge under the SC & ST

(POA) Act, Aurangabad dated 11.02.2022 in bail application No.237 of 2022, is hereby quashed and set aside.

(iii) The interim protection granted by this Court vide order dated 17.02.20.22 is hereby confirmed, however, with same conditions.

(iii) Inform the concerned Court and police station accordingly.

(iv) The criminal appeal is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane