

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

CRIMINAL APPEAL NO. 209 OF 2022

Aman Suresh Kamble	... Appellant
Versus	
The State of Maharashtra and others	... Respondents

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Mr. B. M. Dhanure, Advocate for appellant
Mrs. Geeta L. Deshpande, APP for respondent No.1-State
Mr. Ram S. Shinde, Advocate for respondent Nos. 2 and 3
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CORAM : R. G. AVACHAT, J.

DATED : 06th MAY, 2022

PER COURT :-

. Heard.

2. The challenge in this appeal is to the order granting anticipatory bail to the respondent Nos. 2 and 3 herein in connection with Crime No.3 of 2022, registered at Udgir Rural Police Station, Taluka Udgir, District Latur for the offences punishable under Sections 504, 506 read with 34 of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The appellant herein is the informant. The challenge to the impugned order is mainly on the ground that the appellant had not been given notice of the application for anticipatory bail preferred by these respondents. According to him, in terms of Section 15-(5) of the Act, a victim is entitled to be heard at any proceeding under the Act in respect of bail, discharge, release etc.

4. The learned Advocate for respondent Nos. 2 and 3 placed on record a copy of Vakalatnama filed on behalf of the appellant herein in a proceeding before the Court concerned.

5. The learned Advocate for the appellant then came around to concede that the opportunity of hearing was given to the appellant. As such, the main ground on which the order impugned has been challenged in this appeal, no longer survived.

6. On the question of merits of the case, it is to be stated that the respondent Nos. 2 and 3 allegedly abused the informant over his caste. The fact is that the FIR has been lodged one and half months after the alleged incidence cannot be ignored.

7. As such, veracity of the allegations in the FIR are seriously in doubt. The judgment of the Apex Court in the case of *Hariram Bhambhi vs. Satyanarayan and another (2021 SCC OnLine SC 1010)* is distinguishable on facts.

8. This Court finds the learned Judge to have rightly granted the respondent Nos. 2 and 3 pre-arrest bail. This Court finds no reason to interfere with the order impugned.

9. The appeal is therefore dismissed.

[R. G. AVACHAT, J.]

SMS