

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

CRIMINAL APPEAL NO. 311 OF 2020

1. Umesh Balkrushna Patil
Age: 24 years, Occu.: Student,
2. Jagan Tanhu Patil
Age: 71 years, Occu.: Retired API,

Both R/o Varsade, Tq. Pachora,
Dist. Jalgaon

..APPELLANTS

VERSUS

1. State of Maharashtra
Through Pachora Police Station,
Tq. Pachora, Dist. Jalgaon
2. Ashabai Ravindra Bhil
Age: 35 years, Occu.: Labourer,
R/o Varsade, Tq. Pachora,
Dist. Jalgaon

..RESPONDENTS

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Mr. S.N. Devmane (Munde), Advocate h/f Mr. G.V. Wani, Advocate for appellants
Mr. R.B. Bagul, A.P.P. for respondent no.1 – State
Mr. A.P. Bhandari, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT, J.
DATE : 27th APRIL, 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 27th March, 2020 in Criminal Bail

Application No. 135 of 2020 passed by the learned Additional Sessions Judge, Jalgaon refusing to grant the appellants anticipatory bail in connection with Crime No. 29 of 2020 registered with Pachora Police Station, Dist. Jalgaon for the offences punishable under Section 506 of the Indian Penal Code ('I.P.C.') and under Section 3(1)(r)(s) of the Act.

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

3. The F.I.R. has been lodged on 14th February, 2020 in relation to the incident that took place on 04th January, 2020 and 26th January, 2020. The informant was the Sarpanch of the village Varsade, Tq. Pachora, Dist. Jalgaon. It has been averred in the F.I.R. that the village Varsade is on the bank of river Girana. Some villagers and outsiders committed theft of sand in the river. Some of the villagers were opposed to such activities. It so happened that on 04th January, 2020 at 07.00 a.m. at the S.T. bus stand of the village, the villagers had intercepted three dumpers loaded with sand and one JCB machine. The informant had been there in her capacity as Village Sarpanch. Some of the villagers were assaulting the dumper and JCB drivers. The informant, therefore, asked them not to take law in their hands. Appellant No.1 – Umesh thereupon abused the informant over her caste and questioned her ability to work as Sarpanch. It is further averred in the F.I.R.

that on 26th January, 2020 there was flag hoisting function. The informant had been to the school of her daughter at village Nandra. She had however, to return to the village in response to a phone call. She was informed that she was being abused by some of the villagers at Z.P. School. She, therefore, went there to find Appellant No.2 – Jagan there. He abused the informant over her caste and abused her in filthy language. The crime, therefore, came to be registered.

4. Learned A.P.P. and learned counsel for Respondent No.2 – victim 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. They, therefore, urged for dismissal of the appeal.

5. Learned counsel for the appellants would, on the other hand, submit that there is delay in lodging the F.I.R. Possibility of the same having been lodged for political reasons cannot be ruled out. He, therefore, urged for allowing the appeal.

6. Considered the submissions advanced. There are two incidents, first is dated 04th January, 2020 and second is 26th January, 2020. The F.I.R. has been lodged on 14th February, 2020. The informant is none other than

the village Sarpanch. The appellants herein have been granted interim relief from arrest way back in April 2020. The explanation offered for delayed registration of the F.I.R. appears to be not acceptable. In short, in view of there being long delay in lodging the F.I.R. and interim protection to have been in force for about two years, this Court is inclined to allow the appeal. Hence the following order :-

ORDER

- (i) Criminal appeal is allowed.
- (ii) Interim relief granted to the appellants vide order dated 03rd April, 2020 is hereby confirmed.
- (iii) The appellants shall not tamper with the prosecution evidence.
- (iv) The appellants shall appear before the investigating officer as and when required.

(R.G. AVACHAT, J.)

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