

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

CRIMINAL APPEAL NO.520 OF 2020

Vishnu s/o Daulat Janjal

... APPELLANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. S.S. Khoche, Advocate holding for
Mr. D.P. Palodkar, Advocate for appellant
Mr. S.P. Sonpawale, A.P.P. for respondent No.1 – State
Mr. Saisagar Ambilwade, Advocate for respondent No.2.
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th FEBRUARY, 2022.

PER COURT :

Heard. This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'). The challenge herein is to the order refusing to grant pre-arrest bail to the appellant herein.

2. The learned A.P.P. and the learned counsel representing the respondent No.2 informant would submit that, the allegations in the F.I.R. undoubtedly make out the offence. In view of Section 18 of the Act, there is bar to grant pre-arrest bail. Investigation of the crime was over and the

charge sheet has been filed. The investigation fortifies the allegations in the F.I.R. They, therefore, urged for dismissal of the appeal.

3. the record indicates that, there is civil litigation between the parties. The F.I.R. has been lodged after about two months of the alleged incident. The appellant has been enjoying the interim protection close to about two years. In view of the delay of two months in lodging of the F.I.R., the veracity of the allegations therein is in doubt. As such, a case for allowing the appeal is made out. Hence the order :

ORDER

- (i) The Criminal Appeal is allowed.
- (ii) The order dated 24/9/2020, passed by learned Special Judge under SC & ST (POA) Act, Aurangabad in Criminal Bail Application No.1330/2020 is hereby set aside.
- (iii) The interim order passed by this Court on 7/10/2020 is made absolute.

**(R. G. AVACHAT)
JUDGE**

fmp/-