

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

CRIMINAL APPEAL NO.488 OF 2022

1. Bapu Shankar Pardhi
2. Ajay Pandit Pardhi
3. Bapu Bhatu Pardhi
4. Ganesh @ Ashwin Nadu Pardhi
5. Namdeo Narayan Pardhi
6. Rahul @ Chandrakant Bapu Pardhi ... Appellants

Versus

1. The State of Maharashtra
2. Mangalabai D/o Gulab Koli ... Respondents

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Mr. V.P. Raje, Advocate for the Appellants
Mr. P.G. Borade, APP for Respondent No.1/State
Mr. Prakashsing B. Patil, Advocate for Respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29 SEPTEMBER 2022

PER COURT:-

1. Mr. V.P. Raje, learned counsel for the appellants and Mr. Borade, learned APP for respondent No.1 are present.

2. Mr. Prakashsing B Patil, learned counsel submits that he has instructions to appear on behalf of respondent No.2. He is ready to file *Vakalatnama* across the bar and also ready to workout this appeal.

3. Heard Mr. V.P. Raje, learned counsel for the appellants, Mr. P.B. Patil, learned counsel for respondent No.2 and Mr. Borade, learned APP for respondent No.1/State.

4. It is revealed during the course of argument that appellants are members of Scheduled Tribes. Certainly, the provisions of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1889 do not attract. As such, interim protection granted by this Court needs to be confirmed with the same conditions.

ORDER

- (i) The appeal is hereby allowed.
- (ii) The impugned order passed by the learned Additional Sessions Judge, Dhule in criminal bail application No. 497 of 2022 dated 21.06.2022, is hereby quashed and set aside.
- (iii) The interim protection granted by this Court to the appellants vide order dated 28.07.2022, is hereby confirmed, however, by modifying condition (a), which reads as under:
 - (a) They shall report their attendance once in a month i.e. on 15th day of every month between 10.00 a.m. to 11.00 a.m. at Shirpur Police Station, till filling of the charge-sheet.

- (iii) Rest of the conditions shall remain unaltered.
- (iv) Inform the concerned court and police station accordingly.
- (v) The Criminal appeal is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane