

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

973 CRIMINAL APPEAL NO.585 OF 2022

**SACHIN NANASAHEB BELKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Rupesh A. Jaiswal, Advocate for the appellants
Mr. Ravindra Wankhede, Advocate h/f Mr. Ajinkya Reddy,
Advocate for respondent No.2 (appointed)
Mr. P. N. Kutti, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 14th DECEMBER, 2022

P. C.

1. Heard the learned advocates for the parties.
2. The appellants are seeking anticipatory bail in connection with FIR No. 587/2022 registered with Rahuri Police Station, Tq. Rahuri, Dist. Ahmednagar dated 29-06-2022. Going through the FIR, it is seen that there are specific allegations only against Anil Chopade i.e. appellant No.3. So far as Sachin Belkar and Dagadu Kedar are concerned i.e. appellant Nos. 1 and 2 that they have assaulted the informant Jallinder Barde. The learned

advocate for the appellants submits that there is a delay in lodging the FIR. The incident has allegedly taken place on 23-06-2022 whereas, FIR is lodged on 28-06-2022. This FIR is only counter blast to the complaint lodged by the Dagadu i.e. appellant No.2 dated 24-06-2022 against Jallinder which was registered as N.C. He further submitted that there is no specific allegations and there is no intention to abuse in the name of caste.

3. Learned advocate for respondent No.2 submits that there are specific allegations against the appellants and prays for rejection of the appeal.

4. Learned APP produced the police papers on record and submits that when offence is made out under the provisions of Atrocities Act this appeal cannot be considered in view of Section 18 of the said Act.

5. Learned advocate for the appellants relied upon the

judgment delivered by this court Bench at Nagpur in Criminal Appeal No. 378/2022 wherein the appeal was allowed holding that offence was made out since it was not shown that it was in public view and also that there is lack of intention or intimidation with intent to humiliate a member of the scheduled caste and scheduled tribe. On this count the appeal was allowed.

6. Considering the case in hand it is seen that there are specific allegations against the appellants. From the FIR it is seen that appellant Nos. 1 and 2 namely Sachin and Dagadu deserves protection of anticipatory bail. So far as the appellant No.3-Anil is concerned the learned advocate at the outset stated that he will not press the appeal to the extent of appellant No.3-Anil. Hence, the following order :-

ORDER

- a] The criminal appeal is partly allowed.
- b] The criminal appeal is rejected to the extent of

(4)

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appellant No.3.

c] Appellant Nos. 1 and 2 namely Sachin Belkar and Dagadu Kedar be released on bail in the event of their arrest in connection with Crime No. 587/2022 dated 29-06-2022 registered with Rahuri Police Station, Ahmednagar on same terms and conditions of order dated 17-08-2022.

d] Learned advocate for respondent No.2 is appointed through Legal Aid and he is entitled to get fees as per rules.

[KISHORE C. SANT, J.]

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