

From the tenor of the FIR it appears that there are matrimonial differences between the complainant and accused No.1. The FIR refers to the incident of abuses on the basis of caste which had allegedly occurred on 22nd November, 2011. The FIR was lodged on 15th January, 2020. The husband was arrested and granted bail by this Court.

3. Learned Advocate for the appellants submitted that appellants are falsely implicated in this case. There is delay in registering the FIR. The husband of complainant was arrested. There are no independent witnesses. The appellants were not residing with the complainant. Interim relief was granted to the appellants by this Court vide order dated 11th March, 2020.

4. Learned APP submitted that investigating officer is not present in the Court. He relied on contents of First Information Report.

5. Learned Advocate for respondent No.2/complainant submitted that, specific allegations are averred against the appellants. The appellants were involved in abusing the complainant on the basis of caste which makes out the offence under the aforesaid Act. The incident had occurred within public view and in the presence of witnesses. There is sufficient evidence

against the appellants to show their involvement in the crime. Hence, appeal may be rejected.

6. The complainant and the accused No.1 are husband and wife. The FIR refers to the first incident of 22nd November, 2011. There is nothing on record to indicate that the appellants and the complainant were residing under same roof. The husband of the complainant is arrested and charge-sheet has been filed against him. He was granted bail by this Court. While granting bail, this Court had observed that the Sessions Court has failed to appreciate all the the circumstance in proper perspective. There was no explanation for delay of 6 years in filing the report. The FIR refers to presence of two acquaintances of the complainant. No other independent person is referred. Interim relief was granted by this Court on 11th March, 2020. The said order indicate that the appellants are in laws of respondent No.2. They were not residing with the complainant and her husband. Prima facie the FIR shows that, not a single incident had occurred within public view. In these circumstances, interim relief granted by this Court can be confirmed.

7. Hence, I pass the following order:

ORDER

- i. Criminal Appeal No. 243 of 2020 is allowed;
- ii. Interim order dated 11th March, 2020 is confirmed.
- iii. Order dated 13th February, 2020 passed by the Sessions Court, Thane is set aside.
- iv. In the event of arrest of the appellant in connection with C.R. No. 21 of 2020 registered with Vashi Police Station, the appellants be released on bail on furnishing P. R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- v. The appellants shall not threaten the witnesses and shall not tamper with the evidence.
- vi. The appeal is disposed off accordingly.

(PRAKASH D. NAIK, J.)