

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.190 OF 2022

Mehtab AnsariAppellant
Versus
The State of Maharashtra & Anr. Respondents

Ms. Ashwini Gaikwad, Advocate i/b. A.S. Usmani, for the Appellant.

Mr. P.H. Gaikwad, APP for the Respondent No.1-State.

Ms. Shraddha Sawant, Advocate (appointed) for Respondent No.2.

ACP Mr. Jayprakash Bhosale, Santacruz Division, is present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 10th NOVEMBER, 2022**

P.C. :

1. The appellant has challenged the order dated 20.12.2021 passed by the learned Additional Sessions Judge, Sessions Court for Greater Mumbai. In effect the appellant is seeking anticipatory bail in connection with C.R. No.468/2021 registered with Santacruz Police Station, Mumbai on 29.10.2021 under Sections 143, 147, 149, 323 of the Indian Penal Code and under Section 3(1)(r), (s) of the Scheduled Castes and the Scheduled Tribes (Prevention

of Atrocities) Act, 1989 ('Atrocities Act').

2. Today, the investigating officer is present before the Court. He has made a statement that as far as the offences under the Atrocities Act are concerned, the investigating agency has already filed B-Summary report mentioning that there was no evidence that the appellant had uttered any abuses regarding the caste of the informant-respondent No.2. The said report is taken on record. The report mentions that the investigating agency has sought permission for non-cognizable case summary under Sections 323, 504 read with 34 of IPC. The investigating officer states that since the Sections under the Atrocities Act are not applied, they do not want to arrest the appellant. The statement is recorded and accepted. Considering this statement, learned counsel for the appellant does not press this appeal and seeks permission to withdraw this appeal.

3. Considering this request, the appeal is allowed to be withdrawn. In case, the investigating agency decides to re-apply the provisions of the Atrocities Act pursuant to any

order or otherwise, they shall give four clear working days notice to the appellant so that the appellant can take appropriate steps in accordance with law to protect himself. With these observations, the appeal is disposed of.

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.11.14
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(SARANG V. KOTWAL, J.)

Deshmane (PS)