

## Versus

WITH

CRIMINAL APPEAL NO. 210 OF 2022

## Versus

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Mr. S.S. Patil, HC Shahapur Thane Gramin.

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DATE : 19 SEPTEMBER 2022.

**P.C. :-**

Both these Appeals are filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SC/ST Act”) against an order passed by the Additional Sessions Judge, Kalyan dated 18 February 2022 in Criminal Bail Application Nos. 2159 of 2021 and 2160 of 2021.

2. By the order impugned, the trial Court rejected the anticipatory bail application filed by the present Appellants, who are accused in C.R. No. 484 of 2021 registered at Shahapur Police Station for the offences punishable under Sections 323, 504, 506 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

3. On 3 March 2022, this Court passed the following order in both these Appeals :

*“1. Heard learned Counsel for the appellants.*

*2. By these appeals, the appellants seek pre-arrest bail in connection with C.R. No.I-484 of 2021, registered with the Shahapur Police Station, Thane Rural, for the alleged offences punishable under Sections 323, 504, 506 of the Indian Penal Code and under Sections under Sections 3(1)(r), 3(1)(s), 3(2)(va) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SCST Act').*

*3. Learned Counsel for the appellants in both the aforesaid appeals submits that the appellant – Manisha Kolekar is the wife of appellant in Criminal Appeal No.210 of 2022 i.e. Bhalchandra Kolekar. She submits that both the appellants have been falsely implicated by the respondent No.2. She submits that the FIR has been lodged belatedly on 6<sup>th</sup> December 2021 with respect to three incidents dated 5<sup>th</sup> May 2021; 21<sup>st</sup> October 2021 and 28<sup>th</sup> October 2021. She submits that admittedly there are several civil disputes pending between the parties and as such the respondent No.2 has falsely implicated both the appellants, who are husband and wife. She submits that appellant – Manisha, who is a Police Constable, attached to Shahapur Police Station, was not present on either of the 3 days, as alleged by the respondent No.2. She submits that the Station Diary Entry will confirm the said fact.*

*4. Issue notice to the respondents, returnable on 22<sup>nd</sup> March 2022. Learned APP waives notice on behalf of the respondent No.1-State. In addition to the Court notice, appellants to serve the respondent No.2, by private notice and file affidavit of service before the next date.*

*5. Learned APP also assures to inform the respondent No.2 through the concerned Officer of the concerned police station of the aforesaid date.*

*6. Having heard the learned counsel for the appellants, the appellants have prima facie, made out a case for grant of interim protection. Accordingly, in the meantime, till the next date, the appellants are granted interim protection from arrest, on the following terms and conditions :-*

#### **ORDER**

*(i) In the event of the arrest, the appellants be enlarged on bail on*

*furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount ;*

*(ii) The appellants shall report to the Investigating Officer of the concerned Police Station, from 8<sup>th</sup> to 10<sup>th</sup> March 2022, between 10.00 a.m. and 1:00 p.m, and thereafter as and when called;*

*(iii) The appellants shall not contact the complainant, witnesses or any person concerned with the case.*

*7. Stand over to 22<sup>nd</sup> March 2022.*

*8. All concerned to act on the authenticated copy of this order.”*

4. The learned APP on instructions submits that the State has filed ‘A’ Summary.

5. The learned Counsel for the Appellants submits that the said Summary is yet to be accepted by the concerned Court.

6. Considering the facts and circumstances, liberty is granted to the Appellants to take appropriate steps, if ‘A’ Summary submitted by the Investigating Officer is not accepted by the concerned Court. To enable the Appellants to take appropriate steps the interim order passed by this Court dated 3 March 2022 shall continue to operate till the decision on ‘A’ Summary and in the event ‘A’ Summary is not accepted, then for further period of three weeks from the date of passing of such order by the concerned Court.

7. The Criminal Appeals are disposed of in aforesaid terms.

**( N.R. BORKAR, J. )**