

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

CRIMINAL APPEAL NO. 198 OF 2021

Satish Ramchandra Achrekar

..Appellant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Ujwal R. Agandsurve for Appellant.

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

Mr. Akshay Karlekar i/b. Asmit Agarwal for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th OCTOBER 2022

PC :

1. This is an Appeal challenging the order dated 17/02/2021 passed by learned Special Judge, Sindhudurg whereby he rejected the applicant's Anticipatory Bail Application No. 36 of 2021.

2. Heard Shri. Ujwal Agandsurve, learned counsel for the Appellant, Shri. Gaikwad, learned APP for the State/Respondent No.1 and Shri. Akshay Karlekar, learned counsel for the Respondent No.2.

3. The F.I.R was lodged by one Amol Advalkar against the

applicant on 07/02/2021 U/s.3(1)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act') and under sections 323, 504 and 506 of I.P.C. Subsequently, Section 3(2)(va) of SC & ST Act was added. The first informant has stated that the informant's brother Amit was having a business of Scuba Diving with the applicant in partnership. The applicant was well aware of the fact that the informant is of Scheduled Caste. The applicant had given Rs.10000/- to the first informant. In the night between 06/02/2021 and 07/02/2021 the informant was watching cricket match. The applicant came there and asked to return Rs.10000/-. The informant had Rs.10000/- as the collection of that days income from his hotel. Even after receiving that amount the applicant slapped the informant and said that the informant belonged to a lower caste and made further derogatory remarks. He also threatened the informant that he would kill the informant and his brother Amit and that he would cause grievous injury. The informant's employees were present there; they heard the utterance of the appellant. After that the appellant left the place.

On this basis the F.I.R. was lodged.

4. Learned counsel for the appellant submitted that the incident is old and the charge-sheet is already filed. The appellant had attended the police station and has co-operated with the investigation. There is no necessity of custody for the purpose of investigation. He submitted that the utterance was not derogatory and there was nothing abusive in his utterance regarding caste of the informant. He, therefore, submitted that the appellant be protected.

5. Learned APP, as well as, learned counsel for the Respondent No.2-first informant opposed this appeal. They submitted that, there are serious offences registered against the Appellant. In one of the cases he is convicted for commission of offence punishable U/s.307 of I.P.C. The offence is clearly made out from the averments in the F.I.R. Therefore, considering the bar of Section 18 of the SC & ST Act, anticipatory bail cannot be granted to the appellant.

6. I have considered these submissions. As rightly

submitted by learned APP, as well as, learned counsel for the Respondent No.2-first informant, the offence is made out in the F.I.R. The utterance is with humiliating reference to the caste of the first informant. He was also threatened with dire consequence which would cover ingredients of Section 3(2)(va) of SC & ST Act. Therefore, considering the bar U/s.18 of the Act, the Appellant cannot be protected by an order of anticipatory bail.

7. Hence, the Appeal is rejected.

(SARANG V. KOTWAL, J.)