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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 227 OF 2022

Sadanand Laxman Rajure	...Appellant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Sanjeev Kadam a/w Mr. Siddheshwar Birasdar, Mr. Digvijay Kachare
for the Appellant.

Mr. Nitin Satpute, Mr. S. Shrivastava, for the Respondent No.2/Original
Complainant.

Mrs. P.P.Shinde, A.P.P for the Respondent No.1-State.

PSI D. T. Dhas, Wada Police Station, Palghar.

CORAM : REVATI MOHITE DERE, J.
DATE : 11th MARCH, 2022

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal.

3. By this appeal, the appellant seeks his enlargement on bail in connection with C.R.No. 97 of 2021 registered with the Jawhar Police Station, District Palghar, for the alleged offences punishable under Sections 500, 506 of the Indian Penal Code and under Section 3(1)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act ('SC/ST Act' for short).

4. Learned Counsel for the appellant submits that the appellant was working as a Sub-Regional Manager in the Maharashtra State Co-operative Tribal Development Corporation Limited for about 7 years. He submits that the appellant was also assigned with the additional charge of the Regional Manager, Jawhar, District Palghar and that since 30th August, 2021, the appellant was posted at the Sub-Regional Office, Ghot, Tahsil - Chamoshri, District Gadchiroli. He submits that the respondent No.2 has filed a false complaint as against the appellant alleging the aforesaid offences. He submits that initially, the respondent No.2/original complainant filed a complaint alleging offences punishable under Sections 500 and 506 of the Indian Penal Code and Section 3 of the Official Secrets Act, 1923 on 11th November, 2021 and that after the respondent No.2's supplementary statement was recorded on 13th November, 2021, the provisions of SC/ST Act came to be added. According to the learned

Counsel for the appellant, taking the prosecution as it stands, no offence as alleged either under the provisions of Indian Penal Code or under the Official Secrets Act nor under the provisions of SC/ST Act, are made out qua the appellant. He submits that the appellant is in custody since his arrest on 29th December, 2021, for almost about 75 days and that investigation is complete and chargesheet is filed as against the appellant.

5. Learned APP submits that during the course of investigation, no offence was made out qua the appellant under the Official Secrets Act. Learned Counsel for the respondent No.2 has tendered a list of documents. The same is taken on record. According to the learned Counsel for the respondent No.2, a written complaint was made with the authority on 3rd November, 2021, however, the complaint was lodged belatedly by the Police. To the list of documents, even the transcript/conversation between Sachin Chavan and one Ravindra Vaze which was allegedly circulated by the co-accused, has been annexed. When questioned with respect to the exact conversation/utterance of abuses in the name of the caste by the appellant, learned Counsel for the respondent states that an inference will have to be drawn with respect to the same, having regard to the conversation that ensued between the co-accused, although, there is no direct abuse in the name of the caste by the appellant.

6. Perused the papers. According to the complainant i.e. respondent No.2, he was working as a Regional Manager Jawhar, Palghar and was serving in the said department from 22nd November, 2020. He has alleged that on 21st October, 2021, when he attended his duty at about 10.30 a.m., two unknown persons came to his chamber, showed their identity card, disclosed their name as Kapil Suryawanshi and Pratik Patil and showed him certain papers and documents. According to the respondent No.2, the papers were some confidential documents. Since certain confidential information was disclosed, the respondent No.2 called Vasant Patil, Assistant Officer of Jawhar, who was dealing with the said work as well as another officer, by the name Harshal Borole. As the said persons were not properly responding to the queries put by the respondent No.2, the respondent No.2 felt that the appellant had supplied the said confidential information to Harshal Borole. According to the respondent No.2, one Rajesh Pawar, Sub-Regional Manager of Jawhar informed him that the said confidential information had gone viral on You-Tube App of Vikas Samachar Social Media. The respondent No.2 has further alleged that when he saw the said clip, he felt that it was defamatory and as such, preserved the said clip on his mobile. He has further alleged that on 28th October,

2021, he received one mobile clip from one Sachin Chavan of a conversation, which, he sent alongwith a written complaint, to the Police Station as well as to the Deputy Superintendent of Police of Jawhar. Pursuant thereto, a C.R. was registered initially as against the appellant and others alleging offences punishable under Section 500, 506 of the Indian Penal Code and Section 3 of the Official Secrets Act, 1923. It appears that subsequently, the supplementary statement of the respondent No.2 was recorded on 13th November, 2021, after which, the provisions of the SC/ST Act were invoked. It is not in dispute that during the course of investigation, no offence under the provisions of Official Secrets Act was disclosed, qua the appellant. A perusal of the transcript which is alleged to be defamatory and stated to be abusive is perused. As far as the appellant is concerned, there is nothing to indicate that he has uttered any abuses in the name of the appellant's case. The appellant is in custody since 29th December, 2021. Investigation is complete and chargesheet is filed.

8. Considering the aforesaid, the appellant has made out a case for grant of bail. Accordingly, the appeal is allowed and the appellant is enlarged on bail on the following terms and conditions;

ORDER

- (i) The Appellant be released on cash bail in the sum of Rs. 15,000/- , for a period of six weeks;
 - (ii) The Appellant shall furnish PR Bond in the sum of Rs. 15,000/-, with one or two sureties in the like amount, within a period of six weeks of his release on cash bail, before the appropriate Court (C.R.No.97 of 2021 registered with the Jawhar Police Station, District Palghar);
 - (iii) The Appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
 - (iv) The Appellant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;
9. The appeal is accordingly disposed of in the aforesaid terms.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.