

Station, Thane, for the alleged offences punishable under Sections 323, 504 of the Indian Penal Code and under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Learned Counsel for the appellant submits that the appellant has been falsely implicated in the said case because of the political rivalry between the complainant i.e. the respondent No.2 and the appellant.

5. Learned Counsel for the respondent No.2 opposes the appeal. He submits that the allegations are true and that the appellant has clearly made out an offence punishable under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. Learned APP submits that charge-sheet in the said case has been filed yesterday i.e. 30th March 2022 and as such the custody of the appellant is not warranted. He does not dispute the fact that the appellant has co-operated in the investigation.

7. Perused the papers. Vide order dated 21st September 2020, the appellant was granted interim protection. The allegation made by the respondent No.2, a practising advocate and a politician, is that on 20th June 2020, the appellant sent one video on the whatsapp group 'Bhivandikar' in which he used abusive words against Khalid Guddu, the President of M.I.M. Party, Bhiwandi City. The respondent No.2 (original complainant) has further alleged that on 1st July 2020 at about 5:00 p.m. he made a whatsapp call to the appellant on his mobile number and asked the appellant to meet him. Pursuant thereto, the appellant agreed to meet the respondent No.2 at Varaldevi Chowk, near a flower shop. According to the complainant, he alongwith his two friends reached the spot on the motorcycle and questioned the appellant why he recorded and sent video in which abusive words were used against the President of M.I.M. Party, Bhiwandi City. He has alleged that the appellant got enraged at the respondent No.2 and his friends and told them that he would ensure that Khalid Guddu will not survive in politics. The appellant is also alleged to have used abusive language against the respondent No.2 and his friends. *Prima facie*, it appears from the material on record that there is political rivalry between the appellant and the respondent No.2. Apart from the

respondent No.2's friends, no other independent witnesses, were present at the spot. There is also a delay of 5 days in lodging the said complaint and the delay in the present case assumes importance considering the fact that the respondent No.2 is an Advocate. Even otherwise, charge-sheet has been filed in the said case by the police on 30th March 2022 and as such the custody of the appellant is not warranted.

8. Considering the aforesaid, the appeal is accordingly allowed and the interim protection granted by this Court vide order dated 21st September 2020, stands confirmed. on the following terms and conditions:-

ORDER

(i) In the event of the arrest, the appellant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount.

9. The Appeal is allowed and is accordingly disposed of. Rule is made absolute on the aforesaid terms.

10. It is made clear, that the observations made herein are *prima facie* and are confined to this appeal.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.