

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 550 OF 2019**

Bhimrao Govind Kale ...Appellant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Mr. Prashant Hagare i/by Mr. Kuldeep S. Patil, Advocate for the Appellant.

None for Respondent No.2.

Mr. S.R. Agarkar, APP for the Respondent – State.

Mr. Ganesh Dere, Indapur Police Station.

CORAM : PRAKASH D. NAIK, J.
DATE : 26th SEPTEMBER, 2022.

PER COURT:

1. This is appeal under Section 14-A of Scheduled Castes and Schedule Tribes (Prevention of Atrocities Act). The appellant is apprehending arrest in C.R. No.178 of 2019 registered with Indapur Police Station for offences under Section 3(1)(r)(s) of Atrocities Act and Section 504 of Indian Penal Code. It is the case of the prosecution that on 7th March, 2019, the complainant/Respondent No.2 visited office of Grampanchayat at Redny. He had discussion with Sarpanch (appellant) about installation of street lights at some places. The appellant abused him on caste. Thereafter, the complainant went to S.T. bus stand. Agand Pandurang Kale, Amar Vishwas Kalkute and other persons were sitting at stand. The appellant came there and abused

complainant on his caste. In the past about ten years ago similar case was registered against appellant for visiting Dalit Vasti and abusing on caste and assaulting. First Information Report was registered on 8th March, 2019.

2. The appellant preferred anticipatory bail application before Sessions Court, Baramati. The learned Sessions Judge rejected the application by order dated 30th March, 2019.

3. This Court vide order dated 4th April, 2019 granted interim relief with direction to the appellant to co-operate with investigation.

4. Learned Advocate for appellant submitted that, first information report is lodged with ulterior motive. The appellant is Sarpanch of village Rendy. Mr. Prafulkumar Chavan filed complaint against mother of complainant under Grampanchayat Act. The Sarpanch received letter from Tehsildar for action against complainant and others for removal of encroachment from Government and Gramsevak received letter from circle officer about action against mother of complainant. The appellant issued notice dated 30th May, 2018 to complainant under Grampanchayat Act. Report submitted to circle officer stating that complainant and his mother has encroached on Gairan. Mother of complainant was

disqualified as member of Grampanchayat. Hence, complainant had grudge. The incident had not occurred within public view. There is delay in lodging first information report. There are malafides in lodging first information report.

5. During the course of investigation statement of witnesses were recorded. They do not support the version of the complainant. Cross case has been filed at the instance of the Gramsevak against the complainant.

6. The complainant has filed Affidavit-in-reply opposing this appeal. It is contended that offence is made out. Appellant is not entitled for anticipatory bail in view of Section 18 of said Act. Wife of complainant lodged N.C. complaint against appellant under Section 504, 506 of Indian Penal Code.

7. learned APP submits that on completing investigation charge-sheet has been filed. First information report makes out offence under Section Atrocities Act.

8. The alleged incident had occurred on 7th March, 2019 at about 12:30 p.m. First information report was lodged on 8th March, 2019 at about 22:27 p.m. It appears that complainant had grudge against appellant. In respect to first incident of 7th March, 2019, complainant has not referred to presence of independent persons.

The second incident is not supported by independent witness. There are apparent malafieds. Charge-sheet is filed. Bar under Section 18 of the Act would not be attracted.

ORDER

- i. Criminal Appeal No. 550 of 2019 is allowed.
- ii. Order dated 30th March, 2019 passed by Sessions Court rejecting the application for anticipatory bail is set aside.
- iii. Interim order dated 4th April, 2019 is confirmed.
- iv. In the event of arrest of the appellant in connection with in FIR No. 0178 registered with Indapur Police Station, Dist. Pune, the appellant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- v. The appellant shall not tamper with the evidence.
- vi. Appeal is disposed off.

(PRAKASH D. NAIK, J.)