

Anand

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

CRIMINAL APPEAL NO. 510 OF 2021

Satish Kailashnath Singh .Appellant

Vs.

The State of Maharashtra & ors. .Respondents

Mr. Vishal Deshmukh, Advocate, for the Appellant
Mr. A. R. Kapadnis, APP, for the Respondent Nos. 1 & 2 –
State

CORAM : N. R. BORKAR, J.

DATE : 19.09.2022

P. C.

. This Appeal is filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SCST Act” for short) against an order passed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai dated 01.06.2021 in Criminal Anticipatory Bail Application No. 739 of 2021.

2. By the order impugned, the trial Court rejected the Anticipatory Bail Application filed by the present Appellant, who is accused in C.R. No. 489 of 2021 registered

with the Malad Police Station, Mumbai for the offences punishable under Sections 509, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r) & (s) of the of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 02.07.2021, this Court passed the following order:-

“1. This is an Appeal under Section 14A of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, ‘the S.C.S.T. Act’) for pre-arrest bail under Section 438 the Code of Criminal Procedure (for short, ‘the Cr. P.C.’) in C.R. No.489 of 2021 dated 26th May 2021 registered with Malad Police Station, Mumbai for the offence punishable under Sections 504, 506, 509 read with 34 of the Indian Penal Code and under Sections 3(1),(r),(s) of the S.C.S.T. Act.

2. Issue notice to Respondent No.3, returnable on 30 th July 2021.

Learned APP is directed to give intimation of filing of the present Appeal and its next scheduled date to Respondent No.3 through the concerned Investigating Officer or any other responsible officer attached to Malad Police Station, Mumbai.

3. *Mr. Deshmukh, learned counsel for the Appellant submitted that, there was an existing dispute interse between the Accused No.1 Smt. Poonam Thakur and the informant Respondent No.3, as they are residing in the same Chawl. That, on the date of incident, it is the principal Accused Smt. Poonam Thakur, who abused Respondent No.3 on her caste. He submitted that, the Appellant was accompanying Smt. Poonam Thakur but did not hurl any abuses on the caste of the Respondent No.3. He further submitted that, Smt. Poonam Thakur, has been granted bail by the Sessions Court by its Order dated 11 th June 2021 in SC/ST Remand Application No.3 of 2021 and in para No.6 of the said Order, it has been observed that, there is an existing dispute interse between Smt. Poonam Thakur and Respondent No.3 and the possibility of false implication cannot be ruled out.*

4. *Prima-facie, I find substance in the observations made by the learned Trial Court in its Order dated 11 th June 2021.*

In view of the above and for the time being, the Appellant can be protected by interim relief till the next date.

5. *Hence, the following Order-*

a) *In the event of arrest in C.R. No.489 of 2021 dated 26 th May 2021 registered with Malad Police Station, Mumbai for the offence punishable under Sections 504, 506, 509 read with 34 of the Indian Penal Code and under*

Sections 3(1),(r),(s) of the S.C.S.T. Act, the Appellant be released on bail on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.

b) Appellant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6. Stand over to 30 th July 2021.”

4. The learned Counsel for the Appellant submits that during the pendency of the present Appeal the State has filed the charge sheet.

5. In view of the filing of charge sheet, instead of entertaining the present Appeal it would be appropriate to direct the Appellant to file Regular Bail Application before the competent Court and to continue the order passed by this Court dated 02.07.2021 till the decision of the competent Court in the Application for Regular Bail.

6. The Appellant is directed to file an Application for Regular Bail within a period of three weeks from today. If such Bail Application is filed, the concerned Court shall

decide it on its own merits without being influenced by the order passed by this Court dated 02.07.2021.

7. The interim Anticipatory Bail granted to the Appellant by order dated 02.07.2021 shall continue to operate till the decision of the competent Court in the Application for Regular Bail.

8. The Criminal Appeal is disposed of in the aforesaid terms. Needless to mention that the concerned Court before passing an order on Regular Bail Application of the Appellant, shall grant an opportunity of hearing to the Respondent No. 3.

(N. R. BORKAR, J.)