

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

CRIMINAL APPEAL NO. 584 OF 2021

Shantabai Satyappa @ Satish Chauhan & Anr. ..Appellants.
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Santaram A. Tarale for Appellants.
Mr. S. R. Agarkar, APP for State/Respondent No.1.
Mr. Ajinkya M. Udane (Appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 13th DECEMBER 2022

PC :

1. The Appellants have challenged the order dated 06/07/2021 passed in Criminal M.A.No.398 of 2021 by learned Additional Sessions Judge, Pandharpur. In effect, the Appellants are seeking anticipatory bail in connection with C.R.No.548 of 2021, registered with Sangola police station, under sections, 324, 323, 504 and 506 of the I.P.C. and under sections, 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Shri. Santaram Tarale, learned counsel for the

Appellants, Shri. Agarkar, learned APP for the State and Shri. Ajinkya Udane, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2 on 17/05/2021. He has stated that, on 16/05/2021, at about 2.00p.m. he received a phone call from his wife. She told him that Bharat Chavan was putting sand in front of their house by using J.C.B. The informant's wife and her mother in law told those people to stop their work till the Respondent No.2 returned home. It is alleged that, both the appellants, at that time abused them with reference to their caste. The Respondent No.2 was belonging to a Scheduled Caste. After that, the Respondent No.2 reached home at about 2.30p.m. He lodged an N.C. complaint with Sangola police station. When he was returning home at 9.00p.m. at that time, Dhananjay and Bharat assaulted him. On this basis the F.I.R. was lodged.

4. Learned counsel for the appellants submitted that the incident is in two parts. The appellants were involved only in first part. Their alleged role was restricted to giving abuses, but it is not

seen by any independent witness. Therefore, no offence under the Atrocities Act is committed by the appellants. He submitted that in the second part of the incident, the appellants are not involved at all, even as per allegations. The appellants are on interim protection, therefore, protection be continued finally.

5. Learned APP produced investigation papers before me. He submitted that, there is one witness Sarika who had seen the first part of the incident. He submitted that statement U/s.164 of Cr.p.c. of the Respondent No.2, his wife and his mother in law were recorded. Learned counsel for the Respondent No.2 submitted that, even after this incident, there is harassment to the family of the Respondent No.2; as is mentioned in the application given by the Respondent No.2.

6. I have considered these submissions. As rightly submitted by learned counsel for the Appellants, the allegations against both the Appellants are restricted to the first part of the incident which had taken place in the morning. At that time, there are allegations that both these Appellants had abused the

Respondent No.2's wife. However, no specific utterance is attributed to either of the Appellants. There is a general statement involving both the Appellants. Moreover, there is only one other witness i.e. Sarika. But her statement was recorded on 19/05/2021. The F.I.R. was lodged in the night between 17/05/2021 and 18/05/2021. Even her statement U/s.164 of the Cr.p.c. is not recorded. Both the Appellants are ladies. Thus, considering all these aspects, the Appellants have made out a case for grant of relief of anticipatory bail. It is made clear that, all these observations are made only for passing of this order. If the Respondent No.2 or his family have any other grievance for other incident, they are free to take action in accordance with law.

7. Hence, the following order:

ORDER

i) The Appeal is allowed.

ii) In the event of their arrest in connection with C.R.No.548 of 2021, registered with Sangola police station, the Appellants are directed to be

released on their furnishing P. R. bonds in the sum of Rs.30000/- each with one or two sureties each in the like amount.

iii) The Appeal is disposed of.

(SARANG V. KOTWAL, J.)