

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 585 OF 2021**

Sunil Shivaji Kamble and ors. ...Appellants

Versus

The State of Maharashtra and anr. ...Respondents

.....

Mr. Ganesh Bhujbal for the Appellants.
Ms. M. M. Deshmukh, APP for the State.
Mr. Rushikesh Kale i/b V. V. Purwant for Respondent No.2.
Mr. V. V. Patil DYSP, Kulap Police Station, Sangali.

.....

**CORAM : N.R. BORKAR, J.
DATE : 19 SEPTEMBER 2022.**

P.C. :-

This Appeal is filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC/ST Act") against an order passed by the Additional Sessions Judge, Islampur dated 19 July 2021 in Criminal Bail Application No. 166 of 2021.

2. By the order impugned, the trial Court rejected the anticipatory bail application filed by the present Appellants, who are accused in C.R. No. 147 of 2021 registered at Kurlap Police Station, Sangli, for the offences punishable under Sections 143, 504, 506 of the Indian

Penal Code and under Sections 3(2)(va) of the SC/ST Act.

3. On 2 August 2021, this Court passed the following order:

*“1. Heard learned counsel for the appellants.
2. By this appeal, the appellants seek pre-arrest bail in connection*

with C.R. No.147 of 2021, registered with the Kurlap Police Station, Sangli, for the alleged offences punishable under Sections 143, 504, 506 of the Indian Penal Code (‘I.P.C’) and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (‘SCST Act’).

3. Learned Counsel for the appellants submits that the allegations as against the appellants are false and baseless and that the present FIR has been filed as a counter blast to the complaint/FIR lodged by the appellant No.1 as against the respondent No.2 herein and 19 others on 9th July 2021, for the offences punishable under Sections 143 and 506 of the Indian Penal Code and under Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He submits that the present C.R i.e.C.R. No.147 of 2021, has been lodged after 2 days of the incident i.e. the incident of 9th July 2021. He submits that the appellant No.1 had lodged a complaint/FIR as against the respondent No.2 and 19 others with respect to the same incident i.e. the incident of 9th July 2021 on the very same day i.e. on 9th July 2021 also alleging similar offences.

4. Issue notice to the respondents, returnable on 30th August, 2021. Learned APP waives notice on behalf of the Respondent No.1 - State and seeks time to take instructions. In addition to Court notice, Advocate for the appellants to serve the respondent No.2, by Advocate’s notice and file affidavit of service before the returnable date.

5. Notice to indicate that an endeavour shall be made to dispose of the aforesaid appeal finally at the stage of admission, even if none appears for the respondent no.2.

6. Having heard the learned counsel for the appellants, the appellants have prima facie, made out a case for grant of

interim protection. Accordingly, in the meantime, till the next date, the appellants are granted interim protection, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the appellants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount ;
(ii) The appellants shall report to the Investigating Officer of the concerned Police Station, on 6th and 7th August, 2021, between 10.00 a.m. and 12.00 noon, and thereafter as and when called.
7. Stand over to 30th August, 2021.”

4. The learned APP on instructions submits that the State has filed ‘B’ Summary.

5. The learned Counsel for the Appellants submits that the said Summary is yet to be accepted by the concerned Court.

6. Considering the facts and circumstances, liberty is granted to the Appellants to take appropriate steps, if ‘B’ Summary submitted by the Investigating Officer is not accepted by the concerned Court. To enable the Appellants to take appropriate steps the interim order passed by this Court dated 2 August 2021 shall continue to operate till the decision on ‘B’ Summary and in the event ‘B’ Summary is not accepted, then for further period of three weeks from the date of passing of such order by the concerned Court.

7. The Criminal Appeal is disposed of in aforesaid terms.

(N.R. BORKAR, J.)