

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 701 OF 2021**

Chhabubai Govardan Rodage and anr. ...Appellants

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Rushikesh Kale i/b V. V. Purwant for the Appellants.

Ms. M.M. Deshmukh, APP for the State.

Mr. Pramod Kathane a/w Vikas Wagh for Respondent No.2.

Mr. N.S. Ronse, DYSP Pandharpur Police Station.

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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 ("SCST Act" for short) against an order passed by learned Additional Sessions Judge-2, Pandharpur dated 10 August 2021 in Criminal M. A. Nos. 652 of 2021 and 653 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. 222 of 2021 registered at Karkamb Police Station, Solapur for the offences punishable under Sections 323, 324, 504,

506 read with Section 34 of IPC and under Sections 3(1)(r)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 29 September 2021, this Court passed the following order:

“1. Heard.

2. This Appeal under Section 14A(2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, (“Atrocities Act” for short), 1989 challenges the order dated 10th August, 2021 whereby the applicants were declined pre-arrest bail in connection with Crime No.222/2021 registered at Karkamb Police Station, District-Solapur.

3. On 9th September, 2021 notice was issued to the complainant, after which his statement was recorded on 11th September, 2021 by the SDO, Pandharpur. Copy of the statement is taken on record and marked “X-1” for identification. The statement shows, the complainant is unable to remain present and contest the appeal. In view of these facts, the High Court Legal Services Committee, shall appoint an Advocate to represent the complainant in these proceedings. The Registry shall forward a copy of this order to the Secretary, High

Court Legal Services Committee.

4. Primary evaluation of the complaint, does not disclose the offence under Section 3(1)(r)(s) and 3(2)(va) of the Atrocities Act, qua the applicants. The material allegations were against, Govardhan Rodage who has been arrested. Applicant no.1 is wife and no.2 is, son of Govardhan Rodage. In consideration of these facts, till the next date, in the event of arrest of the applicants in Crime No.222/2021 registered at Karkamb Police Station, District-Solapur, they shall be released on bail on executing P.R. Bond of Rs.10,000/- each.

5. Stand over to 26th October, 2021 for further consideration.”

4. The learned Counsel for the Appellants 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 appellants to file regular bail application before the competent Court and to continue the order passed by this Court dated 29 September 2021 till the decision of the competent Court in the application for regular bail.

6. The Appellants are directed to file 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 29 September 2021.

7. The interim anticipatory bail granted to the appellants by order dated 29 September 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 aforesaid terms. Needless to mention that the concerned Court before passing an order on regular bail application of appellants, shall grant an opportunity of hearing to Respondent No. 2.

(N.R. BORKAR, J.)