

Versus

The State of Maharashtra and another ... Respondents

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Mr. Rushikesh Kale instructed by Mr. Kabul Labana for the Appellant.
Mr. A.R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 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 learned Additional Sessions Judge, Kalyan dated 26 July 2021 in Criminal Bail Application No.1145 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.I-255 of 2021 registered at Murbad Police Station, for the offences punishable under Sections 384, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

3. On 6 September 2021, this Court passed the following order :

“1. Heard.

2. Primary evaluation of the First Information Report does not suggest, applicant’s complicity in the crime. Besides, the report has been lodged 50 days after the alleged incident. In consideration of the facts of the case, issue notice to respondent no.2 returnable after 3 weeks i.e. on 27th September, 2021. Mr. Hulke, waives service on behalf of respondent no.1.

3. Till the next date, in the event of arrest of the applicant in Crime No.I-255/2021 registered with Murbad Taluka Police Station for the offences punishable under Sections 384, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(sc) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

4. The applicant shall report to the Investigating Officer as and when called and co-operate in the investigation.

5. The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

6. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. Stand over to 27th September, 2021 for further consideration.”

4. The learned APP on instructions submits that during pendency of the present Appeal, the State has filed charge-sheet.

5. In view of the filing of the 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 continue the order passed by this Court dated 6 September 2021 till the decision of the competent court in the application for regular bail.

6. The Appellant is directed to file application for regular bail within 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 6 September 2021.

7. The interim anticipatory bail granted to the Appellant by order dated 6 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 the Appellant, shall grant an opportunity of hearing to Respondent No.2.

(N.R. BORKAR, J.)