

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 711 OF 2021**

Parmeshwar @ Bhau Nana Gaikwad ... Appellant

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Sachin H. Deokar for the Appellant.

Ms. M.M. Deshmukh, APP for the State-Respondent No.1.

Mr. Amol Anil Khatavkar, PSI, Shikrapur Police Station, Pune (Rural),
present.

.....

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, Pune dated 12 February 2020 in Criminal Bail Application No. 560 of 2020.

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. 33 of 2020 registered at Shikrapur Police Station, for the offences punishable under Sections 354D, 306 r/w. 34 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences

Act, 2012 and under Sections 3(1)(w)(i), 3(2)(va), d(2)(v) of the SC/ST Act.

3. On 16 December 2021, this Court passed the following order :

“ Heard. Mr. Deokar, learned Counsel for the Appellant and Ms. Sonawane, learned APP for State.

1. Issue notice to the Respondent No.2 returnable on 20th January, 2022.

2. The FIR admittedly does not disclose the name of the Appellant, much less the offence under the Act of 1989.

3. In view of this, a case is made out for granting the ad-interim relief. Thus, in the event of arrest of the Appellant in Crime No.33/2020 registered with Shikrapur Police Station, he shall be released on bail on executing P.R. Bond for the sum of Rs. 10,000/- with one or more sureties in the like amount.

4. Appellant shall join the investigation as and when called by the Investigating Officer.

5. Stand over to 20th January, 2022 for further consideration.”

4. The learned APP on instructions submits that investigation is over and within four weeks charge-sheet will be filed.

5. In view of the fact that the investigation is over and the State is going to file charge-sheet within four weeks, in my view, 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 16 December 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 the date of filing of the charge-sheet. 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 16 December 2021.

7. The interim anticipatory bail granted to the Appellant by order dated 16 December 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.)

KANCHAN
PRASHANT
DHURI

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