

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.910 OF 2019**

1. Dilip @ Vilas Jaysing Kokare
2. Mangesh Hanumant Kokare
3. Hanumant Narayan Kokare
4. Popat Khanderao Madane
5. Navnath Ramesh Kokare ...Appellants

Versus

The State of Maharashtra and Anr. ...Respondents

....

Mr.Ranjeet M. Pawar, Advocate for Appellants.

Mr.Ghanshyam S. Jadhav, Advocate for respondent no.2.

Mr.Arfa Sait, APP for State.

Mr.Shaikh, PSI and P.N. Khomane, Wadgaon Nimbalkar, Police Station,
Pune, Rural.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th June, 2022.

PER COURT:

1. This is an Appeal under Section 14(A) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989. The appellants are apprehending arrest in C.R. No. 261/2019 registered with Wadgaon Nimbalkar Police Station for the offences punishable under Sections 3(1)(r)(s), 3(1)(2), 3(2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 r/w Section 143, 147, 323, 504 and 506 of the Indian Penal Code.

2. The complainant has alleged that complaint was filed against Balu Nikam for assault and abuses on caste by complainant's son and wife. Suresh Kokare, member of Grampanchayat threatened

complainant to withdraw complaint or else he would be implicated in case of dacoity. Dispute was resolved and expenses incurred for treatment were accepted. On 14/05/2019, complainant saw thief entering house of Navnath Kokare. His son told him about it. Two persons were standing near gate of Navnath Kokare. Complainant's son went to call people from area. The complainant waited to nab the thieves. They started running, complainant chased them. He returned to village. He told Navnath and others that robbers have ran towards Sonkaswadi. Navnath called Mangesh Kokare and Ramdas Kokare. They chased robbers. They returned back to village. At 4:00 a.m. Navnath Kokare came in front of complainant's house and abused him by calling him 'Pardhya' and alleged that he and his son has committed theft. The complainant and his son questioned Suresh Kokare, Dilip Kokare, Mangesh Kokare, Hanumant Kokare, Ramesh Kokare and Popal Madane. They were assaulted by accused and abused by referring to their caste of Pardhi and theif. They will be thrown out of village. They were forced to leave .

3. The learned counsel for the appellant submits that initiation of the proceedings in Crime No. 261/2019 is after thought and concocted to overcome the registration of the offence in CR No.258/2019 with Wadgaon Police Station.

4. This Court had granted interim relief on 17/06/2019 with permission to the appellants to report the Police Station as and when called.

5. Learned APP on instructions from officer submitted that, on completing investigation charge-sheet has been filed.

6. Learned counsel for the appellants submitted that, taking into consideration the fact that charge-sheet is filed, the question of custodial interrogation does not arise.

7. The learned counsel for respondent No.2 submitted that specific allegations were made against the appellants. The custodial interrogation of the appellant was necessary.

8. In view of the circumstance that, charge-sheet is already filed, the question of subjecting the appellants to custodial interrogation does not arise. For the reasons stated in the interim order and the fact that the investigation is completed, the interim relief granted by this Court deserves to be confirmed.

ORDER

- i. Criminal Appeal No.910 of 2019 is allowed and disposed of.
- ii. Order dated 30/05/2019 passed by Additional Sessions Judge in Criminal Bail Application No. 480/2019 is set aside.
- iii. Interim relief granted by this Court vide order dated

17/06/2019 is confirmed.

iv. In that event of arrest appellants in C.R. No.261/2019 registered with Wadgaon Nimbalkar Police Station, appellants be released on bail. On executing PR. Bond sum of Rs.20,000/- each with one or more solvent sureties in the like amount.

(PRAKASH D. NAIK, J.)