

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 766 OF 2022**

Vasant Damu Bhoy

... Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Raju D. Suryawanshi for Appellant.

Mr. Ajay Patil, A.P.P. for Respondent No.1-State.

PSI Mr.D.M. Deshmukh, Kalyan Taluka Police Station.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 26th September 2022.****PC. :**

1. Heard Mr.Suryawanshi, learned Advocate for Appellant and Mr.Patil, learned A.P.P. for Respondent No.1-State.

Perused record of investigation.

2. By a speaking Order dated 3rd August 2022, the Appellant was granted interim relief by this Court.

3. Learned A.P.P. on instructions submitted that, in pursuance of Order dated 3rd August 2022, the Appellant attended Investigating Officer on stipulated dates and has co-operated in the process of investigation.

4. The investigation carried out till today clearly indicates that, the first informant was not belonging to either Scheduled Caste or Scheduled

Tribe. The contention of the learned Advocate for Appellant that, the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short, “S.C. & S.T. Act”) therefore are not applicable to the present crime, *prima facie* has substance in it.

5. Record indicates that, after completion of investigation, chargesheet has been filed against Mr.Jadhardhan Bhoje and other accused persons. According to us, in view of the role attributed to the Appellant, his custodial interrogation in the present crime is not necessary and he can be protected by pre-arrest bail. Even otherwise, it appears from the record that, investigation qua the Appellant has come to an end and police are intending to file chargesheet against him in near future.

6. In view of the above, interim relief granted by Order dated 3rd August 2022 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

7. Impugned Order dated 13th July 2022 passed by Additional Sessions Judge, Kalyan in Anticipatory Bail Application No.1081 of 2022 is hereby set-aside and Appeal is allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]