

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 887 OF 2022**

Sujit Subhash Rajmane & Anr.

... Appellants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Viresh V. Purwant a/w. Mr. Rishikesh Kale for Appellants.

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

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 8th September 2022.****PC. :**

1. Perusal of impugned Order dated 25th August 2022 and in particular para No.1 thereof indicates that, the Trial Court has prima-facie come to the conclusion by observing as under :-

“... Therefore, it is unacceptable that a person from SC and ST community has any intention with a person from non ST and ST community to insult, humiliate or commit an offence under SC and ST (Prevention of Atrocities) Act.”

2. Perusal of record indicates that, Criminal Bail Application No. 713 of 2022 filed by the Appellants under Section 438 of Criminal Procedure code is still pending for final adjudication before the Trial Court. In view thereof, it

will not be appropriate for this Court to adjudicate the issue involved in the present Appeal finally at this interlocutory stage. Judicial propriety demands that the said application pending on the file of Trial Court be first decided.

3. In view thereof, we direct the learned Special Judge, Barshi, seized of Criminal Bail Application No. 713 of 2022 to decide and dispose of the said bail application within a period of two weeks from the date of receipt of present Order.

4. It may be noted here that, we have not disturbed the findings recorded by the Trial Court in the present impugned Order and the Trial Court will be at liberty to decide the said bail application on its own merits without being influenced on the facts that the Appellants are protected by this Court in the interregnum.

5. Till the Trial Court decides the said application (Criminal Bail Application No. 713 of 2022), in the event of arrest of the Appellants, they may be released on bail on their furnishing PR. bond of Rs.50,000/- with one or two separate solvent local sureties in the like amount.

6. Appeal is partly allowed in the aforesaid terms.

7. All the concerned to act on an authenticated copy of this Order.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]