

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 884 OF 2021

Kalyani Ravindra Pawar .Appellant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Sugandh B. Deshmukh, Advocate, for the Appellant
Ms M. M. Deshmukh, APP, for the Respondent No. 1 – State

CORAM : N. R. BORKAR, J.

DATE : 19.09.2022

P. C.

. This Appeal is filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SCST Act” for short) against an order passed by the learned Special Judge & Additional Sessions Judge, Niphad dated 14.10.2021 in Criminal Anticipatory Bail Application No. 462 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. 544 of 2021 registered with the Chandwad Police Station, Nasik for the offences

punishable under Sections 509, 504, 506 and 352 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 28.10.2021, this Court passed the following order:-

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

1. Issue notice to Respondent No. 2 returnable after four weeks i. e. 9th December, 2021. In addition to Court service, learned Prosecutor shall serve the Respondent No. 2 (Complainant) through the concerned police station with an intimation that appeal shall be heard on 16th December, 2021.

2. Perused the FIR. The material allegations were against the husband-Appellant. He has been arrested. The allegations against the Appellant-accused do not disclose the commission of offence under the Act of 1989.

3. In consideration of the facts of the case, in the event of arrest of Appellant in Crime No. 544/2021 registered with Chandwad Police Station, she shall be released on bail on executing P. R. bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

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

5. Stand over to 16th December, 2021.”

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

5. In view of the filing of 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 to continue the order passed by this Court dated 28.10.2021 till the decision of the competent Court in the Application for Regular Bail.

6. The Appellant is directed to file an Application for Regular Bail within a 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 28.10.2021.

7. The interim Anticipatory Bail granted to the Appellant by order dated 28.10.2021 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 the 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 the Respondent No. 2.

(N. R. BORKAR, J.)