

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 937 OF 2021**

Vijay Shrirang Doke ...Appellant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Vilasini Subramaniam i/b Jaydeep D. Mane for the Appellant.

Mr. A.R. Kapadnis, APP for the State.

Mr. Amol Ramdatt Bharti, DYSP Present.

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CORAM : N.R. BORKAR, J.

DATE : 19 SEPTEMBER 2022.

P.C. :-

This appeal is filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SCST Act" for short) against an order passed by learned Special Judge, Solapur dated 30 October 2021 in Criminal Bail Application No. 1739 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. 921 of 2021 registered at Mohol Police Station, Solapur for the offences punishable under Section 324, 504, 506 read with Section 34 of IPC and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 22 November 2021, this Court passed the following order:

“1. Learned Counsel for the appellant submitted that the appellant has been falsely implicated in the case by the complainant on account of a dispute between her son and the appellant over a loan amount advanced by the appellant to the complainant’s son. Para-2 of the order refers to this fact.

2. In consideration of the facts, a case is made for granting ad-interim relief to the appellant till the next date.

3. Issue notice to the respondent no.2 returnable on 4th December, 2021. Prosecution to serve the respondent no.2 (complainant) and inform him that Appeal shall be heard on 4th December, 2021.

4. Till then, in the event of arrest of the appellant in C.R. No. 923/2021 registered with Mohol Police Station for the offences punishable under Sections 324, 504, 506, read with Section 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be

released released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- (Rs. Twenty Thousand only) with one or more sureties in the like sum.

5. Appellant shall join the investigation as and when called by the Investigating Officer of the concerned Police Station.

6. The appellant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

7. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. Stand over to 4.12.2021.”

4. The learned Counsel for the Respondents submits that during the pendency of 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 appellants to file regular bail application before the competent Court and to continue the order passed by this Court dated 22 November 2021 till the decision of the competent Court in the application for regular bail.

6. The Appellants are directed to file 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 22 November 2021.

7. The interim anticipatory bail granted to the appellants by order dated 22 November 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 appellants, shall grant an opportunity of hearing to Respondent No. 2.

(N.R. BORKAR, J.)