

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 940 OF 2021**

Chinmay Shridhar Subhedar and anr. ...Appellants

Versus

The State of Maharashtra and anr. ...Respondents

.....

Mr. Omkar P. Mulukar for the Appellants.

Ms. M. M. Deshmukh, APP for the State.

Mr. M. V. Rajput for Respondent No.2.

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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, Satara dated 30 October 2021 in Criminal Bail Application No. 641 of 2021.

2. By the order impugned, the trial Court rejected the anticipatory bail application filed by the present appellants, who are accused in C.R. No. 387 of 2021 registered with Shahapuri Police Station, Satara for the offences punishable under Sections 498A, 323, 354, 504, 506 read with Section 34 of IPC and under Sections 3(1)(w)(i), 3(2)(va),

3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 25 November 2021, this Court passed the following order:

“1. Heard.

2. It is an appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Atrocities Act).

3. Appellants are apprehending arrest in connection with Crime 387/2021 registered with Shahapuri Police Station, Satara for the offences punishable under Sections 498A, 323, 354, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(w)(i), 3(2)(va) and 3(1)(r)(s) and 6 of the Atrocities Act. Complainant is wife of appellant no.1 and appellant no.2 is brother of appellant no.1.

4. I have perused the FIR. Complainant married to appellant no.1 in 2018. She alleged that, her husband and his relatives were abusing her on her caste. Complainant left the matrimonial home in July, 2021. In consideration of the allegations and particularly the relationship between the complainant and the appellants, prima-facie, the allegations

do not disclose commission of offence under the Atrocities Act.

5. Issue notice to respondent no.2 returnable on 17th December, 2021. In addition to the court notice, the concerned Police Station shall inform the complainant about the next date of hearing scheduled on 17th December, 2021.

6. In the meanwhile, in the event of arrest of the appellants in Crime 387/2021 registered with Shahapuri Police Station, Satara, they shall be released on bail on furnishing surety in the sum of Rs.20,000/- each with one or more sureties in the like sum.

7. The appellants shall join the investigation as and when called by the Investigating Officer.

8. The appellants shall furnish their permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

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

10. List the appeal on 17th December, 2021 for further consideration.”

4. The learned Counsel for the Appellants 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 25 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 25 November 2021.

7. The interim anticipatory bail granted to the appellants by order dated 25 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.)