

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1023 OF 2021**

Pramkrushna R. Bidgar ...Appellant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Abhishek R. Avachat for the Appellant.

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

Mr. R.S. Pachundkar 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 Additional Sessions Judge, Pune dated 7 December 2021 in Criminal Bail Application No. 7641 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. 865 of 2021 registered with Shirpur Police Station, Pune for the offences punishable under Sections 365, 323, 504, 506 read with Section 34 of IPC and under Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989.

3. On 16 December 2021, this Court passed the following order:

“Heard. Mr. Avachat, learned Counsel for the Appellant and Mr. Khamkhedkar, learned APP for State.

1. Primary evaluation of the FIR suggests that over a dispute in respect of money lending, the crime in question came to be registered against the Appellant and others under the Act of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Prima facie, it appears the victim was not abused or harassed only reason being he belongs to Scheduled Caste. Therefore, prima facie, offence under Act of 1989 has not been made out against the Appellant. As such in the event of arrest of the Appellant in Crime No. 865/2021 registered with Shirur Police Station, he shall be released on bail on executing P.R. Bond for the sum of Rs. 15,000/- with one or more sureties in the like amount.

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

3. Issue notice to the Respondent No.2 returnable on 18th January, 2022. In addition to the Court notice, the concerned Police Station shall inform the Respondent No.2 that the appeal will be heard on 18th January, 2022.

4. Stand over to 18th January, 2022 for further consideration.”

4. The learned APP 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 appellants to file regular bail application before the competent Court and to continue the order passed by this Court dated 16 December 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 16 December 2021.

7. The interim anticipatory bail granted to the appellants by order dated 16 December 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.)