

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

CRIMINAL APPEAL NO.1087 OF 2022

Abhijeet Bharat Mansawale Appellant

versus

State of Maharashtra & Anr. Respondents

.....

- Mr. Viresh V. Purwant, Advocate for Appellant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr. Sushan Mhatre (Appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th NOVEMBER, 2022

P.C. :

1. The Appellant has challenged the order dated 21/10/2022 passed by Incharge Additional Sessions Judge, Solapur, in Criminal Bail Application No.1289 of 2022. In effect the Appellant is seeking anticipatory bail in connection with C.R. No.527/2022 registered with MIDC police station on 20/09/2022 u/s 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,

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1989 (for short 'Atrocities Act') and u/s 504 and 506 of the Indian Penal Code.

2. Heard Mr. Viresh V. Purwant, learned counsel for the Applicant, Mr. Sushan Mhatre, learned counsel for Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. He has stated that he was knowing the Appellant's father Bharat. They were friends. Bharat had many four wheelers and two wheelers. The Respondent No.2 based on their family relations, took a two wheeler from Bharat. The Respondent No.2 used to pay installments, but some installments were due. Therefore Bharat was harassing him for payment of dues. There are allegations that on 11/09/2022 Bharat sent a voice message which was not only derogatory and humiliating, but it attracted the provisions of the Atrocities Act according to the Respondent No.2. The FIR mentions that he immediately deleted it, but before that he had forwarded it to his friend. The FIR mentions that the Respondent

No.2 decided to immediately return the vehicle to Bharat. Therefore he took the vehicle to Bharat's house at around 07.30 to 08.00 p.m. That time he met the Appellant. The Respondent No.2 asked him about Bharat. That time the Appellant told him that Bharat was sleeping after consuming liquor. There are allegations that the Appellant then justified the actions of his father. There are allegations that the Appellant's two brothers came there and they also abused the Respondent No.2 with reference to his caste. Based on this, the FIR is lodged.

4. Learned counsel for the Appellant submitted that by no stretch of imagination it can be seen that the Appellant has not committed any offence either under IPC or under the Atrocities Act. He only allegedly told the Respondent No.2 that since he was not returning the vehicle, his father was right in dealing with him in that manner. This utterance would not attract any provisions of either IPC or Atrocities Act.

5. Learned APP as well as learned Respondent No.2 submitted that since the Appellant had supported the language used by his father, he could be liable for those offences.

6. I have considered these submissions. The allegations against the Appellant are vague and it is doubtful as to whether any of these provisions are attracted against him. He himself has not uttered any abusive or humiliating language. The FIR does not mention presence of any independent witness at the time of the Respondent No.2's interaction with the Appellant. Considering this peculiar nature of allegation against the Appellant and since prima facie it does not appear that the Atrocities Act are attracted against the Appellant, he deserves to be granted protection of anticipatory bail.

7. Hence, the following order :

ORDER

(i) Appeal is allowed.

- (ii) In the event of his arrest in connection with C.R. No.527/2022 registered with MIDC police station, the Appellant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (iii) The Appellant shall co-operate with the investigation.
- (iv) Appeal stands disposed of accordingly.

(SARANG V. KOTWAL, J.)