

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO. 164 OF 2021

APPELLANT:

Pramod Shankar Dongre,
Aged about 50 years, Occu: Business,
R/o Hingna Road, Opposite Godavari
Traders, Ramabai Ambedkar Nagar, Jaitala,
Nagpur-440036.

...V E R S U S...

RESPONDENTS

1. The State of Maharashtra,
through Police Station Officer,
M.I.D.C. Police Station, District-Nagpur.
2. Ku. Sudeshna Vinayak Gedam,
Aged about Major, Occu: Nil,
R/o Plot No. 47, Pandurang Nagar, Thakre
Layout, Jaitala Road, Nagpur.

Shri S.S. Bhende, counsel h/f Shri S.P. Bhandarkar, counsel for appellant.
Shri M.J.Khan, APP for the State/Respondent No.1.
Shri Y.B. Mandpe, counsel for respondent No.2.

CORAM : ANIL S. KILOR, J.
DATE : 04/05/2022

ORAL JUDGMENT :

1. Heard Shri S.S. Bhende, counsel h/f Shri S.P. Bhandarkar, counsel for the appellant, Shri M.J.Khan, learned APP for the respondent No.1 and Shri Y.B.Mandpe, learned counsel for the respondent No.2.

2. **ADMIT.**

3. The present appeal is arising out of rejection of pre-arrest bail of the appellant, vide order below Exhibit No.1, dated 19/03/2021, passed by the learned Additional Sessions Judge-10, Nagpur in Misc. Criminal Application No.925/2021, in Crime No.43/2021, registered at the Police Station M.I.D.C., District Nagpur for the offences punishable under Sections 420, 354, 294, 504, 506 and 120-B of the Indian Penal Code, 1860 and Section 3(ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act').

4. Learned counsel for the appellants submits that he belongs to Scheduled Caste and therefore, the provisions of Atrocities Act will not apply to him and accordingly, the bar under Section 18 of the Atrocities Act would not come in his way in seeking pre-arrest bail.

5. It is submitted that the appellant was granted ad-interim anticipatory bail on 12/04/2021, and he attended the concerned Police Station, as per the directions of this Court.

6. He further argues that the dispute is about a land and its a commercial transaction having a civil nature. He lastly argues that

the charge-sheet has been filed in this case and thus no further custodial interrogation of appellant is necessary.

7. Learned APP opposes the present appeal, however, he fairly states that the charge-sheet is filed in this case.

8. Shri Mandpe, learned counsel for the respondent No.2 strongly oppose the appeal and submits that the custodial interrogation is necessary to recover the amount from the appellant. He has drawn attention to the appeal memo and submits that the appellant made incorrect statement in the appeal memo and therefore, he submits that the appeal needs to be rejected.

9. Shri Mandpe, learned counsel further submits that after the appellant was released on ad-interim anticipatory bail, he has committed similar two offences and in one of the incidents, he forcibly entered into the house of the respondent No.2, and tried to burn the documents relating to property in dispute.

10. I have perused the record and also the documents filed along with the present appeal. The charge-sheet has been filed in this case. The dispute is about the immovable property. Furthermore, the appellant is on ad-interim anticipatory bail since

April-2021, i.e. from last one year and he attended the concerned Police Station, as directed by this Court. In that view of the matter, I am of the opinion that the present appeal needs to be allowed and the ad-interim anticipatory bail granted to the appellant needs to be confirmed with certain conditions. Accordingly, I pass the following order:

- a] Criminal appeal is **allowed**.
- b] The order dated 19/03/2021, passed below Exhibit No.1 by the learned Additional Sessions Judge-10, Nagpur in Misc. Criminal Application No.925/2021, is hereby quashed and set aside.
- c] The order granting ad-interim anticipatory bail dated 12/04/2021, is hereby confirmed.
- d] Liberty is granted to the State and the Respondent No.2 to apply for cancellation of bail, in case appellant repeats the offence of similar nature.

The Criminal Appeal stands **disposed of** accordingly.

JUDGE