

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

CRIMINAL APPEAL NO.354 OF 2022.

(Nivrutti Shankar Avachar and Anr. ..**Vs.** State of Maharashtra and Anr.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms P. Pisude, Advocate for the Appellants.
Ms M. H. Deshmukh, APP for the Respondent No.1/State.
Shri R. D. Karode, Advocate for the Respondent No.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 11th JULY, 2022.

. Heard Ms Pisude, learned Counsel for the Appellants, Ms M. H. Deshmukh, learned Additional Public Prosecutor for the Respondent no.1/State and Shri R. D. Karode, learned Counsel for the Respondent no.2.

2. Though it is alleged, that the incident is dated 11.04.2022, the First Information Report (FIR) has been registered on 12.05.2022. Shri Karode, learned Counsel for the Respondent no.2 does not dispute that there is a property dispute between the parties. He tries to justify the delay on the ground that initially, the concerned Police Station was not accepting the complaint as a result of which, the complaint was required to be lodged to the Superintendent of Police on 12.04.2022, pursuant to which, the FIR came to be registered on 12.05.2022.

3. A perusal of the complaint lodged to the Superintendent of Police (Page 50) does not

indicate *prima facie* existence of the ingredients of the offence under Section 3(1)(r), 3(2)(va) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 2015, considering which, a case for grant of bail is made out, hence, the following order :

ORDER

i) The impugned order dated 27.05.2022 is hereby quashed and set aside and the interim order dated 09.06.2022 passed by this Court is hereby confirmed subject to the condition, that the Appellants, shall not indulge into any act of pressuring any of the complainant. In case any complaint is made in this regard, the Court shall consider the cancellation of the order granting relief to the Appellants.

JUDGE

TAMBE.