

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

CRIMINAL APPEAL NO.533 OF 2022

Ranjeet S/o Arun Deshmukh,
Aged about 22 years, Occ. Agriculturist,
R/o Kata, Tal & Dist. Washim Appellant

// VERSUS //

1. State of Maharashtra,
Through PSO Washim, Rural, Tal. &
Dist. Washim.
2. Pooja w/o Kapil Kumble,
R/o Kata, Tal. & Dist. Washim. ... Respondents

Shri N.D. Dawda, Adv. h/f Shri A.M. Jaltare, Adv. for the appellant.
Shri S.D. Sirpurkar, A.P.P. for the respondent No.1/State.
Ms Deepali V. Sapkal, Advocate for the respondent No.2 (Appointed).

CORAM : ANIL S. KILOR, J.
DATED : 29 NOVEMBER, 2022.

ORAL JUDGMENT

1. Heard Shri Dawda, learned counsel for the appellant, Shri S.D. Sirpurkar, learned APP for the respondent No.1/State and Ms Deepali Sapkal, learned counsel for the respondent No.2 (Appointed).

2. **ADMIT.**

3. This is an appeal arising out of the order below Exh.01, dated 15.07.2022 passed by the learned Additional Sessions Judge-2, Washim in Cri.Misc.Application (Bail) No.336/2022, rejecting the pre-arrest bail application of the appellant.

4. After going through the contents of the First Information Report (FIR) and on considering the allegation on its face value, it can be seen that *prima facie* no offence under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred as “the Atrocities Act”), would attract. In the circumstances, bar under Section 18 of the Atrocities Act will not attract in this case.

5. However, considering the nature of allegation made in the FIR and the material collected by the Investigating Officer during the investigation, I am of the opinion that, custodial interrogation of the appellant is not necessary.

6. In the circumstances, though the learned APP Shri Sirpurkar and Ms Deepali Sapkal, learned counsel for the respondent No.2 are

opposing the present application, I am of the opinion that, the appellant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The appeal is **allowed**.
- b) Order dated 15.07.2022 passed by the learned Additional Sessions Judge-2, Washim is hereby quashed and set aside.
- c) Order passed by this Court on 19.08.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the appellant shall attend the concerned Police Station as and when his presence is required.
- d) Fees of Ms Deepali Sapkal, the learned counsel for the respondent No.2/Victim, be quantified as per the Rules.

The appeal is **disposed of** accordingly.

ANIL S. KILOR, J.]