

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

CRIMINAL APPEAL NO.450 OF 2021

(Sau. Sandhya Shantkumar Kamble Vs. State of Mah. & anr.)

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

Court's or Judge's orders

Shri M.V. Rai, Advocate for the Appellant.
Shri S.D. Sirpurkar, A.P.P. for respondent No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 08, 2022.

Heard Shri Rai, learned counsel for the appellant and Shri Sirpurkar, learned A.P.P. for respondent No.1/State.

2. This is an appeal filed challenging the order dated 27/10/2021 rejecting the pre-arrest bail of the appellant in Crime No.54/2021 registered with Police Station Jiwati, District Chandrapur for the offence punishable under Section 143, 147, 149, 325 and 342 of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 and Sections 3(1)(r), 3(1)(z-b) and 3(2)(va) of SC, ST (Prevention of Atrocities) Act, 1989.

3. Shri Rai, learned counsel for the appellant submits that the appellant is working as Anganwadi Sevika and she has been falsely implicated in the alleged offence whereas she is no way connected with the alleged offence.

4. He submits that the appellant belongs to Scheduled Caste and, therefore, the provisions under the Atrocities Act would not apply to the appellant. He accordingly submits that the appellant may be granted pre-arrest bail by allowing the present appeal.

5. Shri Sirpurkar, learned Additional Public Prosecutor strongly opposed the present appeal. He has pointed out from the charge-sheet the statements of the eye-witnesses which corroborate the case of the prosecution. He, therefore, prays for rejection of the present appeal.

6. I have perused the case diary and the other documents. There are statements of the witnesses who have stated the name of the appellant and also attributed the role in the alleged offence, of the appellant.

7. Though because the appellant belongs to Scheduled Caste, the provisions of Atrocities Act would not attract against the appellant, the offence is serious. Moreover, having considered the material available on record, it is clear that *prima facie*, incriminating material is there against the appellant to show her involvement in the alleged offence. Thus, the reasons given by the learned Sessions Judge while rejecting the pre-arrest bail application of the appellant found to be proper and not perverse.

7. In that view of the matter, I do not find any merit in the present appeal. Accordingly I pass the following order:

- i) The appeal is rejected.
- ii) The ad-interim anticipatory bail granted by this Court vide order dated 27/10/2021 is cancelled.

JUDGE

**DB*