

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

CRIMINAL APPLICATION (APPA) NO. 856/2022 IN
CRIMINAL APPEAL NO. _____/2022

(Anil @ Annu Pandurang Kainge Vs. State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. R. Siddharth, Advocate for applicant/appellant.
Mr.N.S. Rao, APP for non-applicant No.1.
Ms. A. Kolhe, Advocate for non-applicant No. 2.

CORAM: VINAY JOSHI AND URMILA JOSHI-PHALKE, JJ.
DATED : 28/11/2022.

Heard.

2. This is an application seeking condonation of delay of 155 days caused in preferring appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC and ST Act') challenging the order of rejection of bail dated 21.01.2022. In terms of section 14(1) of the SC and ST Act, the order of rejection is appealable, however, in terms of Section 14(3) of the SC and ST Act, the appeal has to be preferred within 90 days from the date of the judgment.

3. The applicant is in Jail since last three years. On account of financial constraints and as he is in Jail, he sought for condonation of delay. Principally, the applicant desirous to challenge the order of bail. The State as well as learned Advocate appearing for non-applicant No. 2 resisted for condonation of delay.

3. The matter pertains to life and personal liberty of individual. According to the applicant, he has right to challenge the rejection of bail, however due to circumstances which are beyond his control, he is unable to file application within time. Since accused is in Jail, for the reasons stated in the application, we deem appropriate to condone the delay.

4. In view of above, applications stands allowed and disposed of.

5. Appeal be registered.

CRIMINAL APPEAL NO /2022

Heard.

2. The learned APP waives service of notice for respondent No.1 and Ms. Kolhe, learned Advocate waives service of notice for respondent No. 2.

3. Learned Advocate appearing for respondent No. 2 seeks time to file reply.

4. Stand over to 08.12.2022.

(MRS. URMILA JOSHI-PHALKE, J.) **(VINAY JOSHI, J.)**

Gohane

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signed by
JITENDRA
BHARAT
GOHANE
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