

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 98 OF 2019

The State of Maharashtra

Appellant

Versus

Anirudha Manik Adsul & another

Respondents

Mr. S. W. Munde, APP for the State.

Mr. A. S. Bayas, Advocate for respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 1st NOVEMBER, 2023.

PER COURT :

1. Heard.

2. This appeal is filed for cancellation of anticipatory bail granted to the respondent No. 1 on 21st November, 2018 in Criminal M. a. No. 1990/2018.

3. It is the contention of learned APP that though the offences under Indian Penal Code and Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as 'Atrocities Act') are made out against the respondent, learned Additional Sessions Judge without taking into consideration the bar

granted by Section 18 of the Act exercised powers under Section 438 of Code of Criminal Procedure.

4. Learned counsel for respondent No. 1 submitted that the order passed by learned Additional Sessions Judge is self-explanatory which indicates that prima facie neither offences under Indian Penal Code nor under the Atrocities Act are made out. He further submits that in any case there is no propriety in interfering with the impugned order after four years of passing thereof.

5. Prima facie perusal of the First Information Report and other material placed on record clearly shows that the findings recorded by the learned Additional Sessions Judge cannot be faulted with. The learned Additional Sessions Judge was conscious about the bar created by Section 18 of the Atrocities Act and recorded that offences punishable under Atrocities Act are not attracted. Hence, this Court finds no substance in the submission of learned APP. Hence, application is rejected.

(R. M. JOSHI)
Judge