

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.149 OF 2023

LAHU NAMA @ NAMDEO KOLEKAR
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Rajendra K. Temkar
 APP for Respondent – State : Mrs. G.L. Deshpande
 Advocate for Respondent No.3 (appointed) : Mr. Ashutosh Kulkarni

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CORAM : R. M. JOSHI, J.
DATE : 13th JULY, 2023

PER COURT :

1. Appellant is apprehending arrest in connection with Crime No.727 of 2022 registered with Parner Police Station, Tal. Parner, Dist. Ahmednagar for the offences under Section 374, 324 of Indian Penal Code and Section 3 and 14 of Child Labour (Prohibition and Regulation) Act, 1986 and Section 16, 17 and 18 of the Bonded Labour System (Abolition) Act, 1976 and Section 3 (1)(h) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned counsel for appellant states that name of appellant is not mentioned either in First Information Report or

statement of any witness recorded till date. Thus, according to him, offence under the provisions of Atrocities Act does not attract against appellant. As far as other offences are concerned, they are bailable.

3. Learned APP and learned counsel for informant opposed the said contention by stating that there is a statement of a child which refers to assault caused by present appellant by referring him as 'Dada'.

4. Admittedly, name of appellant is not appearing in FIR. Further, prima facie there is nothing on record to indicate that only for the reason that children belongs to scheduled castes and scheduled tribes were engaged in the work. Since prima facie no offence is made out under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, bar of Section 18 does not get attracted to this case. Since other offences are bailable, liberty of appellant deserves to be protected. Hence, following order:

ORDER

(i) Appeal is allowed in terms of interim relief dated 22.02.2023 with following conditions:

(a) Appellant is directed to remain present before Investigating Officer as and when called.

(b) For the purpose of identification parade required to be conducted by Investigating Officer, appellant shall be deemed to be in the custody of police.

[R. M. JOSHI]
JUDGE

GGP