

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

38 CRIMINAL APPEAL NO.624 OF 2023

ASHOK RANUJI MAHARNOR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. N. L. Chaudhari
APP for Respondent – State : Mr. S.P. Sonpawale
Advocate for Respondent No.2 : Ms. Sujata S. Shinde

...

CORAM : R. M. JOSHI, J.
DATE : AUGUST 28, 2023

PER COURT :

. Heard.

2. The appellant is aggrieved by the order of the rejection of the anticipatory bail application by learned Additional Sessions Judge, in connection with Crime No.170 of 2023 registered with Chaklamba Police Station, Dist. Beed for the offences punishable under Sections 354, 504, 506 r/w. Section 34 of the Indian Penal Code and Sections 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The FIR is lodged on 19.06.2023 in respect of the incident occurred on 18.06.2023. Informant has alleged that the

appellant and the co-accused came in front of her house and with ill intention caught hold of her hand. This was informed by her to her mother-in-law. Thereafter, both went to the police station and lodged report.

4. Learned counsel for the appellant submits that there are civil disputes between the parties, so also various complaints are made by the father of the appellant against the family members of the informant. Thus, according to him, due to previous civil disputes between the parties so also considering the delay in lodging of FIR, possibility of false implication of the appellant in this crime cannot be ruled out.

5. Learned APP and learned counsel for the informant opposed the said contention by referring to the FIR as well as the observations made by the learned Additional Sessions Judge while rejecting the application.

6. Perusal of the record indicates that there are disputes between the parties and R.C.S. No.43 of 2004 came to be filed by the

appellant against the informant's family wherein injunction was granted against them. Record further indicates that complaints are made by the father of the appellant against the family of the informant. Thus, there is sufficient material on record to indicate that there are disputes between the parties. As far as the occurrence of incident is concerned, the same is said to have been occurred on 18.06.2023 whereas the report is lodged on the next date.

7. Having regard to the fact that there are disputes between the parties, the false implication of the appellant is not ruled out. Apart from this, perusal of the First Information Report shows that alleged offence has not been committed only for the reason that the informant belongs to S.C. community. Having regard to the aforestated facts, the bar of Section 18 of the Atrocities Act does not get attracted to the present appeal. This is not the case wherein custodial interrogation of the appellant would be required. In the result, following order is passed.

ORDER

- (i) The appeal is allowed in terms of interim relief dated 21.07.2023.

- (ii) Fees of learned Counsel Ms. Sujata S. Shinde, who is appointed to represent cause of respondent No.2, is quantified at Rs.6,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

[R. M. JOSHI]
JUDGE

GGP