



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 642 OF 2023

Riyaz Javed Pathan

...Appellant

VERSUS

The State Of Maharashtra And Others

...Respondent

...

Mr. R. R. Karpe, Advocate for Appellant

Mr. N. B. Patil, APP for Respondents

Mr. S. S. Panitkar h/f Mr. C. C. Deshpande, Advocate
for Respondent No. 3.

...

CORAM : R.M. JOSHI, J

DATE : DECEMBER 20, 2023

PER COURT :

1. Appellant being aggrieved by the rejection of anticipatory bail application no. 428/2023 in connection with Crime No. 300 of 2023 registered with Karjat Police Station, Dist. Ahmednagar for the offences punishable under Sections 363, 366-A, 212 of IPC and Sections 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short '**Atrocities Act**') has preferred this Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First information report initially came to be

lodged at the instance of father of the minor victim. The girl was missing and hence, her father lodged report against the unknown persons. Later on it is revealed that co-accused has kidnapped and hence, other offences came to be applied. As far as present Appellant is concerned, on the basis of statement of victim that present Appellant had given lift to the victim and co-accused, he apprehends arrest.

3. Perusal of the charge-sheet does not show that the Appellant has aided or abetted for the act of kidnapping of the victim by the co-accused. *Prima facie* considering the entire material, offences under the Atrocities Act are not made out against Appellant. Hence, bar of Section 18 of the Act does not get attracted. Appellant has no criminal history. Nothing is to be recovered at his instance. Hence, it is a fit case to protect his liberty.

4. In view of above, Appeal stands allowed by confirming interim order dated 27th July, 2023.

(R. M. JOSHI, J.)