

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 591 OF 2021

1. Dinesh s/o Suresh Nartawar
2. Sushama w/o Vishal @ Vikkey Nartawar Appellants
Versus

The State of Maharashtra & another Respondents

Mr. S. C. Bhosle, Advocate for the appellants.
Mrs. G. L. Deshpande, APP for the State.
Ms. R. R. Tandale (Chuore), Advocate (appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Appellants apprehend arrest in connection with Crime No. 0359/2021 registered with Bhokar Police Station, Tq. Bhokar, Dist. Nanded, for the offences punishable under Sections 499, 500, 505(2), 504, 506 read with Section 34 of Indian Penal Code and Sections 3(1)(r), 3(1)(u), 3(1)(z) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. Informant has alleged in the First Information Report that on a banner it is mentioned that he he is anti social. Based on

this, it is claimed that offence under Atrocities Act is committed and that he is defamed.

3. Learned counsel for appellants states that even if said allegations are accepted to be true, offence under Atrocities Act does not get attracted against them as there is allegation against the informant and not against his caste or caste in general.

4. Learned APP and learned counsel for appellant opposed the appeal by referring to the First Information Report and the banner which was displayed by the appellants herein. It is submitted that in view of the bar under Section 18 of the Act, anticipatory bail cannot be granted.

5 Perusal of the First Information Report as well as banner in question at the most indicate that the statement that informant is anti social is individual centric and not against community at large. It cannot be prima facie said that offence under Atrocities Act is committed. Hence, bar of Section 18 of the Act does not get attracted to the present appeal. Admittedly, charge-sheet is filed. It is not the case of custodial interrogation. Hence, appeal is allowed in terms of

the interim order. Fees of the appointed counsel is quantified at Rs.6,000/-.

(R. M. JOSHI)
Judge

dyb