

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 336 OF 2021

Rajendra Balwant Shinde and anr. .. Appellants
Versus
The State of Maharashtra and anr .. Respondents

...

Mr. Piyush Toshniwal, i/b Mr. Aashish Satpute for the appellants.

Mr. Kushal Mor for respondent no.2.

Ms. Anamika Malhotra, APP for the State.

Mr. V.N. Ghadge, PSI, Radhanagari Police Station, Kolhapur.

CORAM: BHARATI DANGRE, J.

DATED : 30th MARCH 2023

P.C:-

1 On 7/04/2021 this court have protected the appellants from arrest, in CR No. 32 of 2021 which has invoked the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 along with Section 509 and 504 of IPC.

This protection is continued till date.

2 The learned APP, on instructions of the Investigating Officer Mr. V.N.Ghadge make a specific statement, that on completion of investigation the charge-sheet is filed. Pertinent to note that for completion of investigation, the appellants have rendered their cooperation and once the charge-sheet is filed there is no reason, why the custody of the accused can be sought for.

3 The learned counsel Mr. Mor, who has marked his presence today, justified his absence on 23/03/2023 on the ground

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that since the instructions were awaited from respondent no.2, and hence adjournment was sought on his behalf.

He would vehemently submit that Section 18 of the Act imposes a specific bar upon entertaining an Anticipatory Bail application filed under Section 438 of Cr.P.C and the said provision has to be looked at with all sincerity and must be given effect in letter & spirit.

4 There can be no doubt about the submission of Mr. More, but it has to be seen, whether on completion of investigation and particularly when the Investigating Officer is saying that the custody is not required, I am left with no option than to confirm the interim order.

In any case, if the appellants will face the consequences of the charge, levelled against them during the course of the trial, except the fact that they will continue to enjoy the protection granted by this Court of not being arrested till conclusion of the trial.

Criminal Appeal No. 336 of 2021 stands disposed off.

5 I would like to place on the record the appreciation for Mr. More, who has assisted effectively in presenting case of the complainant.

The legal services authority is directed to pay the legal remuneration due and payable to him, within a period of six weeks from today.

(SMT. BHARATI DANGRE, J.)