

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 979 OF 2022**

Sheela Sunil Jagtap

.....Appellant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Yogesh Birajdar i/by Nagraj Shinde for the Appellant.

Mr. S.S. Hulke APP, for the Respondent-State.

Mr. M.A. Patil Advocate appointed for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.
DATE : 15th FEBRUARY, 2023.**

P.C.:-

Heard Mr. Birajdar, learned counsel for the Appellant, Mr. Patil, learned Advocate appointed to represent Respondent No.2 and Mr. Hulke, learned APP for the Respondent-State. Perused record.

2) By a reasoned Order dated 4th October, 2022, Appellant has granted interim relief.

3) A bare perusal of first information report would indicate that, except passing a remark that Respondent No.2 is of lower caste and therefore the Appellant would not prefer to marry Uddhav Jagtap i.e. her son (accused No.1) with Respondent No.2 and if they perform marriage she will not receive her in home, no other allegation which would attract Sections 3 (1) (r) of the Scheduled Caste and Scheduled Tribe (Prevention

of Atrocities) Act, 1989 (for short, '*the SC & ST Act*') against the Appellant is made out. The alleged abuse was not within the public view and at public place and therefore according to us, *prima facie* the said provision of the SC & ST Act may not be attracted to the present crime. There is no other allegation against the Appellant than it.

4) In view thereof, interim relief granted by Order dated 4th October, 2022 is hereby confirmed. Impugned Order dated 22nd September, 2022 passed below Exh-1 in Criminal Bail Application No.626 of 2022 is set aside.

5) Appeal is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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