

DARSHAN  
PRAKASH  
PATIL

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
APPEAL NO. 1227 OF 2019**

Dada Digambar Malape ...Appellant  
Versus  
The State Of Maharashtra And Anr. ...Respondents

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Adv. Dhananjay Bhosale i/b Shriram Chaudhari for the Appellant.  
Ms. P.N. Dabholkar, APP for the State.  
Mr. Arjun N. Bhosale, Dy. S.P. SDPO Pandharpur is present.

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**CORAM: M. S. KARNIK, J**  
**DATED: AUGUST 2, 2023**

**PC:-**

1. This is an appeal under section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SCST Act").
2. Respondent No.2 is duly served. However, no one appears on behalf of respondent No.2 despite service. This Court by ad-interim order dated 26/09/2019 had directed that in the event of arrest of the applicant in Crime No. 1159 of 2019 he shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

3. Learned APP submitted that the appellant has co-operated with the investigation and even the charge-sheet has now been filed. The offence against the appellant in C.R. No. 1159 of 2019 is registered with the Pandharpur City Police Station, Pandharpur, District-Solapur, under Sections 324, 323, 504 and 506 of the Indian Penal Code (IPC) and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC ST Act.

4. It is alleged by the complainant that on 14/07/2019 at about 1 P.M. when the complainant was having lunch at her home, she was told that one person was beating her son. The complainant intervened and asked the unknown person why he is beating her son. Even the complainant was assaulted with fists and blows and her modesty was outraged. Some passersby intervened in the quarrel. Her son told the complainant that the appellant belonged to the Maratha caste and when the complainant's son was sitting in his Omni Car, the appellant dashed the complainant's car with his motorcycle and asked him why he parked his car there. Then the appellant assaulted him with an iron rod. It

is then alleged that the unknown person i.e. appellant abused her son on the basis of his caste.

5. *Prima facie*, on reading of the First Information Report, it appears that the incident was an outcome of some accident that took place and not on the basis of allegations on the basis of caste to make this an offence under the Atrocities Act. Even the charge-sheet has been filed. Respondent No.2 is not present despite service of notice. In this view of the matter, ad-interim relief already granted can be confirmed.

6. In the event of arrest of the appellant - Dada Digambar Malape, in respect of the offence punishable under Sections 324, 323, 504, 506 of the IPC and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC ST Act, in connection with C.R. No. 1159 of 2019 registered at Pandharpur City Police Station, Pandharpur, District – Solapur, he shall be released on bail, on executing P.R. bond in the sum of Rs.15,000/- with one or two sureties of the like amount.

7. The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 8 weeks in lieu of surety.

8. Appeal is allowed in the above terms.

**(M. S. KARNIK, J.)**