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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.204 OF 2023

Santosh Balasaheb Waghmare] .. Appellant
vs.
Ajit Hanumant Ghavane & Ors.] .. Respondents

Ms.Sakshee P. Chavan for the Appellant.
Mr.S.R. Agarkar, APP for the State.
HC No.1186 G.A.Jagtap, Tembhurni Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 21st September, 2023.

P.C.

1] Heard the learned counsel for the Appellant.

The present Appeal is filed being aggrieved by the order dated 13.12.2022, passed by the learned Special Judge, Barshi, granting pre arrest bail to Respondent Nos.1 to 5.

2] While granting the pre arrest bail, the learned Special Judge has recorded that there is a civil dispute prevailing between the parties and the dispute did not arise due to the status of the the informant and prima facie the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not attracted.

3] The learned counsel Ms. Chavan, representing the Appellant,

would invite my attention to the latest position of law revolving around Section 18 of the Act of 1989 and in particular decision in the case of *Prathvi Raj Chauhan vs. Union of India & Ors.* (2020) 4 SCC 727, and would submit that the material compiled in the charge sheet clearly reflect that castiest abuses were hurled and hence Section 3(1)(r) and 3(1)(s) of the Act of 1989 have been invoked.

4] I have perused the statements of distinct witnesses, which have some variation as some of the witnesses have referred to the abuses, whereas others have not. This ultimately is a matter of trial.

Since on completion of investigation charge sheet is filed in February, 2023, the Respondents must face the charges during the trial.

Since the investigation is now complete, though prima facie I find that the interim order suffers from grave perversity as the learned Judge has failed to make reference to the allegations under Section 3(1)(r) and 3(1)(s) of the Act of 1989, where it is alleged that castiest abuses were hurled, but the same was not taken into account, I do not find it justiciable to cancel the pre arrest bail particularly, when the charge sheet is now filed and custodial interrogation of the Respondents is not necessary.

In the wake of above, Appeal stands dismissed.

[BHARATI DANGRE, J]