

CRIMINAL APPEAL NO. 405 OF 2023

Suvarna Shankar Kale ...Appellant
Versus
The State of Maharashtra & Anr. ...Respondents

Ms. Rekha Musale a/w Ms. Sushama Patil for the Appellant

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondent No.1-State

Ms. Ameeta Kuttikrishnan, Appointed Advocate for the Respondent
No. 2

ASI Mr. Suresh E. Salwe from Baramati Taluka Police Station, is present

CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
TUESDAY, 25th APRIL 2023

P.C :

1 Vide order dated 31st March 2023, after hearing the
learned counsel for the appellant, we had granted interim
protection from arrest to the appellant on certain terms and
conditions stipulated in the said order.

2 Today, we have heard learned A.P.P as well as learned counsel appearing for the respondent No.2.

3 Learned A.P.P states that although the castiest abuses were allegedly hurled in public place, they were not in public view and that there are no independent witnesses to corroborate the allegations made by the complainant i.e. the respondent No. 2. This being the only allegation as against the appellant, the bar of Section 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, would not apply and as such, the interim order granted by this Court vide order dated 31st March 2023 stands confirmed. Hence, following order is passed :

ORDER

- (i) The appeal is allowed;

- (ii) The order dated 12th December 2022 passed by the learned Additional Sessions Judge, Baramati in Criminal Bail Application No. 1467 of 2022 is quashed and set-aside;

(iii) In the event of the arrest, the appellant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two local sureties in the like amount;

(iv) The appellant shall report to the Investigating Officer of the concerned Police Station, as and when called, till the filing of the charge-sheet;

(v) The appellant shall not contact the complainant, witnesses or any person concerned with the case, till the said case is concluded.

4 The appeal is disposed of on the above terms.

5 All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.