

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.702 OF 2019

Dada Tatyaba Kuchekar

Appellant

versus

1. Monika Sachin Wadkar,
2. Sachin Balkrishna Wadkar,
3. Sanjay Balkrishna Wadkar,
4. Mrs.Savita Sanjay Kale,
5. Kisan Rambhau Wadkar,
6. Chaya Kisan Wadkar,
7. Sameer Kisan Wadkar,
8. Mrs.Rupali Kaustubh Ghare,
9. The State of Maharashtra

Respondents

Mr.Tanmay Jadhav i/by Mr.Nikhilesh D. Pote, Advocate for Appellant.
Mr.Y.Y.Dabake, APP, for State.
Mr.Nilesh Wabale and Ms.Umesh Mankapure, Advocate for
Respondent nos.1 to 8.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th July 2023

PC :

1. Appellant is original complainant in C.R No.56 of 2019 registered with Shivaji Nagar Police Station, Pune dated 7th January 2019 for offences u/s.141, 143, 146, 323, 341, 504, 506 of Indian Penal Code and u/s.3(1)(10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'Atrocities Act'). The complainant has alleged that accused had abused, threatened and assaulted the complainant on the basis of his caste on 28th August 2018 and 27th September 2018. The cause of aforesaid incidents was that complainant was witnesses in some

cases initiated by Smt.Prabhavati Wadkar against accused.

2. Respondent nos.1 to 8 had preferred application for anticipatory bail before the Court of Additional Sessions Judge, Pune and vide order dated 17th January 2019, interim protection was granted to them on certain conditions. The said order was subsequently confirmed by learned Sessions Judge by order dated 1st April 2019.

3. Learned advocate for Appellant submitted that vide interim order dated 17th January 2019 it was directed that accused shall not directly or indirectly make inducement, threat or promise to any person acquainted to the facts of accusation against them so as to dissuade them from disclosing such facts to the Court or to any public officer. The accused were involved in intimidating the complainant and N.C complaints in that regard were lodged in the police station on 1st March 2019 and 31st March 2019. Thus, there is breach of conditions and therefore anticipatory bail granted to Respondent nos.1 to 8 may be cancelled.

4. Learned APP supported the prayer for cancellation of anticipatory bail. It is submitted that investigation is completed and charge sheet is filed on 25th June 2019.

5. Learned Advocate for Respondent nos.1 to 8 submitted that anticipatory bail was granted to the Respondents by order dated 1st April 2019. Thereafter charge sheet is filed. Smt.Wadkar had lodged several complaints against Respondents. The complainant is acting at her behest and implicated the respondents in the present case. Although the incidents had occurred on 28th August 2018 and 27th February 2018, the FIR was registered belatedly on 7th January 2019. The respondents have filed reply and placed on record several documents. Smt.Wadkar has lodged about ten cases against

respondents and in most of the cases complainant is witness.

6. It is pertinent to note that alleged N.C complaints lodge by complainant were registered on 1st March 2019 and 30th March 2019. The final order granting anticipatory bail was passed on 1st April 2019. Subsequently investigation is completed and charge sheet is filed. Thus, the N.C complaints were filed prior to the grant of anticipatory bail. Investigation is complete. I do not find any ground to set aside the order granting anticipatory bail.

ORDER

(i) Criminal Appeal No.702 of 2019 is dismissed.

(PRAKASH D. NAIK, J.)

MST