

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.501 OF 2020

Bharat Gulabsing Thakur .. Appellant
Versus
The State of Maharashtra & Anr. .. Respondents

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Ms.Amita Kuttikrishnan with Ms.Ilsa Shaikh i/b Mr.S.R.Phanse
for the Appellant.

Mr.S.R.Agarkar, A.P.P. for the State/Respondent No.1.

Mr.Subir Sarkar for the Respondent Nos.2 to 7.

API Sandip V. Mane, attached to CBD Police Station, present.

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CORAM: BHARATI DANGRE, J.
DATED : 23rd AUGUST, 2023

P.C:-

1. The learned counsel Ms.Amita Kuttikrishnan, at the outset, requests for an accommodation, as according to her, Mr.Pradhan is supposed to argue the Appeal and he is in some personal difficulty.

I would not have refused an adjournment, but for the reason that the Appeal is pending from the year 2020 and it is informed by Mr.Subir Sarkar, representing contesting Respondent Nos.2 to 7, apprised me of an important development, being on completion of investigation, the charge-sheet is also filed. The above statement is also supported by the learned A.P.P. and, hence, I decline the request for adjournment.

2. With the able assistance of Ms.Kuttikrishnan, I have perused the impugned order dated 14/08/2020, under which the Additional Sessions Judge, Thane has allowed the Anticipatory Bail Application and directed release of Applicant Nos.1 to 6 on anticipatory bail, in anticipation of their arrest. When the order is perused, what has prompted the learned Judge to secure the release of the Applicants, despite the specific bar under Section 18 of the Atrocities Act, becomes evidently clear.

In paragraph 6, the learned Judge has specifically recorded that the incident, which is complained of by the Complainant by reporting to the CBD Belapur Police Station, is alleged to have occurred on 20/05/2019, whereas the complaint is filed on 21/07/2020 and that too, without offering any explanation.

By reading the FIR as it is, the learned Judge inferred that the allegations are without any substance and in fact, it is specifically recorded that the Complainant himself was harassing the employees of CIDCO and in fact, he was transferred to Aurangabad for the very same reason and after one year, he filed the complaint. Since, the prosecution did not express any fear about the Applicant/Accused, being not available for the purpose of investigation and that they would flee away the course of justice and, prima facie the ingredients of the offence under the Atrocities Act, being not attracted, the protection was granted.

This protection continued till date and the Appeal, which is filed for cancellation of the protection, in fact has now been

rendered infructuous, since the charge-sheet is filed and the custodial interrogation of the Accused is no more warranted.

In the wake of the aforesaid, the Appeal does not deserve any consideration and, hence, it is dismissed.

(SMT. BHARATI DANGRE, J.)