

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1132 OF 2019

Prashant Prabhakar Patil & Ors. .. Appellants

Versus

The State of Maharashtra & Anr. .. Respondents

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Mr.Amit G. Dubey i/b Mr.Ashok M. Saraogi for the Appellants.

Ms.P.N.Dabholkar, A.P.P. for the State.

None for the Respondent No.2.

PSI Santosh Wakchoure, attached to Wada Police Station,
District Palghar, present.

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CORAM: BHARATI DANGRE, J.

DATED : 17th MARCH, 2023

P.C:-

1. By order dated 27/09/2019, the Appellants were protected from arrest by recording a *prima facie* opinion that no provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attracted and there is also absence of mens rea to cause any insult or humiliate in the name of caste.

2. The interim order continued to remain in force till today and the learned A.P.P., on instructions from the Investigating Officer, states that the charge-sheet has been filed in the subject C.R.

3. The learned counsel for the Appellants states that though the Appeal was filed by the four Appellants, Appellant Nos.2 and 3 surrendered before the Sessions Court, pursuant to which, they were released on bail.

In these circumstances, since the charge-sheet is filed and the custodial interrogation of the Appellant Nos.1 and 4 is not necessary, the order passed by this Court on 27/09/2019 is made absolute.

(SMT. BHARATI DANGRE, J.)