

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1053 OF 2019**

Nikhil Ramesh Vadak

..Appellant

VS.

The State of Maharashtra and anr.

..Respondents

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Adv. Manisha A. Devkar for the Appellant.

Mr. Y. M. Nakhwa, APP for Respondent No.1-State.

SDPO-DYSP Shelke, Koregaon Division, Rahimatpur Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 9, 2023

P.C. :

1. On 13.08.2019 this Court while granting interim protection to the Appellant, in paragraph Nos.3 to 7 observed thus :-

"3. This is an appeal under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2018. It appears from the papers of investigation that on 12th June 2019, respondent no.2 lodged a report at Rahimatpur Police Station alleging therein that the appellant herein has committed offences punishable under Sections 452, 354(B)(D), 323, 504 and 506 of Indian Penal Code and under Sections 3(1)(r)(s) and 3(1)(w)(ii) and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. On the basis of her report, Crime No.88 of 2019 is registered at Rahimatpur Police Station. The appellant was arrested on 12th June 2019. After

completion of investigation, the learned Sessions Court had passed an order enlarging the appellant on bail on 21st June 2019. It appears from the records and the submissions of the learned counsel for the appellant that on 26th June 2019, the complainant i.e. respondent no.2 had filed an application seeking certified copy of the order dated 21st June 2019, thereby granting bail to the present appellant. Thereafter on 8th July 2019, she lodged a report at Rahimatpur police station alleging therein that on 27th June 2019 and 28th June 2019 in the midnight, she had observed that the stones were being pelted at her house. On 29th June 2019 at about 10.30 am., she alongwith her father were proceeding to lodge a complaint with the District Magistrate, at that time, the appellant, who resides in the neighbourhood of respondent no.2 is alleged to have passed on a motorcycle and had made some gestures towards her and had abused her by referring to her caste. Hence, she lodged second F.I.R. on 8th July 2019. On the basis of which, Crime No.109 of 2019 is registered at Rahimatpur police station against the appellant for the offences punishable under Sections 336, 504 and 506 of Indian Penal Code and under Sections 3(1)(r)(s) and Section 3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. The incident dated 29th June 2019 is reported practically after more than a week. It appears, prima facie that the respondent no.2 was aggrieved by the enlargement on bail by the Sessions Court.

6. It appears from the records that on 13th July 2019, the father of respondent no.2 had lodged a report at the police station under the same provisions against Vinod Nanavare, his wife Madhuri Nanavare and Savita Nanavare alleging therein that they had abused his wife. That they had abused the mother of respondent no.2, since they were annoyed by the arrest of the present appellant.

7. In the above mentioned circumstances, the appellant deserves interim relief for a period of four weeks, during which he shall not reside at village Borgaon, Taluka Koregaon, District Satara."

2. There is no appearance on behalf of Respondent No.2 though duly served. The interim protection was granted as far back on 13.08.2019.

3. Learned APP opposed the Appeal.

4. Having gone through the interim order and as there is no representation on behalf of the Respondent No.2, the same can be confirmed and is accordingly confirmed.

5. The Appeal is accordingly allowed.

(M. S. KARNIK, J.)