

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1107 OF 2019

Satyawan Pandharainath Thale Appellant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Nitin Sejpai a/w Akshta Desai, Advocate for Appellant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.
- Mr. Sagar S. Ambedkar (Appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd JANUARY, 2023

P.C. :

1. The Appellant has challenged the order dated 08/08/2019 passed by the Additional District Judge, Mangaon, District Raigad, passed in Bail Application No.145 of 2019. In effect the Appellant is seeking anticipatory bail in connection with C.R.No.19/2019 registered with Shrivardhan Police Station, District Raigad, on 21/07/2019 u/s 353, 392, 332, 323, 504, 506, 427 r/w 34 of the Indian Penal Code and u/s 3(1)(r),

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3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act').

2. Heard Mr. Nitin Sejpal, learned counsel for the Appellant, Mr. Sagar S. Ambedkar, learned counsel for the Respondent No.2, and Mr. S. R. Agarkar, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. He was attached to Sub-District hospital at Shrivardhan. The incident took place on 20/07/2019, at about 09.15 p.m. It is mentioned in the FIR that the Appellant's son Sameer brought one patient to the hospital. At that time, Medical Officer Khadija Shabbir Ulde was on duty. The Respondent No.2 was in the process of preparing case papers. He asked for Rs.10/- as fees, for the admission to the hospital. The Appellant's son got angry. He started quarreling with the Respondent No.2. It is alleged that the Appellant's son abused the Respondent No.2 with reference to a caste. He took out some money and tried to thrust that in the hands of the Respondent No.2. He manhandled the Respondent No.2. It is further alleged that the Respondent No.2

asked his co-workers to record the incident in mobile phone. The Appellant's son threw that mobile phone on the ground and broke it. The currency notes lay scattered there itself. It is further alleged in the FIR, that during this incident, the Appellant and one Devendra Bhusane came there and started abusing the Respondent No.2. The Appellant told the Respondent No.2 that he would make a complaint against him for demanding Rs.10,000/- as bribe. It is further alleged that the Respondent No.2's silver chain was taken forcibly in the incident. On this basis, the FIR is lodged.

4. Learned counsel for Appellant submitted that the main allegations are against the Appellant's Son. The Appellant himself had come on the scene much later and there are no specific allegations against him attracting provisions of the Atrocities Act. He submitted that the Appellant is on interim protection since 23/09/2019. In the meantime, the charge-sheet and the supplementary charge-sheet are already filed as the investigation is over and therefore, the Appellant's custody is not

necessary and his anticipatory bail application needs to be granted.

5. Learned counsel for Respondent No.2 opposed this application. He submitted that the silver chain is yet to be recovered and there are also allegations against the Appellant that he had abused the Respondent No.2.

6. Learned APP opposed this Appeal and produced the investigation papers before me which included the charge-sheet and the supplementary charge-sheet. The supplementary charge-sheet contains statements of Medical Officer Khadija Ulde and the main charge-sheet contains statements of Respondent No.2's co-staff Anjali Boble, Mohan Futankar, Raju Shirke, Sanjivani Kanekar and Sunita Wayde. All these statements are similar in nature and they reproduce the same allegations as are made in the FIR. From all these statements and the FIR, it does appear that the main allegations are against the Appellant's son. There are general allegations against the Appellant that he had abused the Respondent No.2. However, there is no reference that the

Appellant had abused the Respondent No.2 with reference to a caste. No injuries were caused to the Respondent No.2 in the incident. The Appellant is on interim protection since September 2019. Considering all these aspects, the Appellant has made out the case for grant of relief in his favour.

7. Hence, the following order :

ORDER

- (i) Appeal is allowed.
- (ii) In the event of his arrest in connection with C.R.No.19/2019 registered with Shrivardhan Police Station, District Raigad, the Appellant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (iii) Appeal stands disposed of accordingly.

(SARANG V. KOTWAL, J.)