

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

CRIMINAL APPEAL NO. 1050 OF 2022

Bayajabai Pandit Karate	...Appellant
Versus	
Shankar Kisan Shinde And Anr.	...Respondents

WITH

CRIMINAL APPEAL NO. 1051 OF 2022

Bayajabai Pandit Karate	...Appellant
Versus	
Harshad Shankar Shinde And Ors.	...Respondents

WITH

CRIMINAL APPEAL NO. 1052 OF 2022

Bayajabai Pandit Karate	...Appellant
Versus	
Ashok Kisan Shinde And Anr.	...Respondents

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Mr. Rohit D. Gorade, Ms. Sunita Warang h/f Mr. Rameshwar Gite,
Advocate for the Appellant.

Ms. Pallavi N. Dabholkar, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	5th JULY, 2023.

PER COURT:

1. The Appellant in all these appeals is the original complainant at whose instance First Information Report (for short 'FIR') was registered with Gangapur Police Station vide C.R. No.I-149 of 2022 on 19th July, 2022 for offences under Sections 354-A, 504 r/w 34 of

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Indian Penal Code (for short 'IPC') and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC and ST Act').

2. The case of the complainant is that she alongwith her mother is the owner of property situated at Jalalpur admeasuring 1H, 01R. Her mother decided to sell the property to Shantabai Kisan Bagul and executed notarized sale agreement dated 15th July, 2008 for consideration of Rs.17,11,000/- and her mother are illiterate. Hence, deal was executed with the help of Shankar Shinde. Part consideration of Rs.9,11,000/- was paid to the complainant. However, subsequently the complainant and her mother decided to cancel the transaction and the said decision was communicated to Shankar Shinde. Shankar Shinde informed her that they will have to spend Rs.49,000/- for cancelling transaction. Amount of Rs.49,000/- was given to Shankar Shinde. Cancellation deed was executed and the agreement with Shantabai was cancelled on 14th June, 2011. Thereafter, the property was sold to Rahul Jaju by executing agreement to sale. He did not pay the entire amount. The complainant and her son approached MR. Jaju to demand money. The complainant learnt that Shankar Shinde had taken Rs.9,50,000/- from Rahul Jaju for cancelling deal. The

complainant approached Shankar Shinde and demanded money. He promised that he would return the amount. However, avoided payment. On 4th June, 2022 the complainant, her mother, son, son-in-law and brother-in-law and one Manoj Dande went to the house of Shankar Shinde and demanded money. Shankar Shinde abused them on caste. Persons sitting in the house of Shankar Shinde started laughing. Their names were Harshad Shankar Shinde, Omkar Shankar Shinde, Ashok Kisan Shinde, Amol Ashok Shinde and Prashant Ashok Shinde. They abused complainant on caste. Ashok Shinde touched complainant. Complaint was made to local Police Station.

3. Vide order dated 23rd August, 2022 the learned Additional Sessions Judge – 2, Nashik allowed the application for anticipatory bail preferred by the Respondent No.1 in Criminal Appeal No. 1050 of 2022. Vide orders dated 3rd August, 2022 the learned Additional Sessions Judge – 2, Nashik allowed the application for anticipatory bail preferred by Respondent Nos.1 to 4 in Criminal Appeal No.1051 of 2022 and by order dated 23rd August, 2022 the learned Additional Sessions Judge – 2, Nashik allowed the application for anticipatory bail preferred by Respondent No.1 in Criminal Appeal No.1052 of 2022.

4. Learned Advocate for Appellant submit that impugned orders passed by learned Judge are contrary to law. There was bar under Section 18 of the Atrocities Act and applications for anticipatory bail were not maintainable. Specific role was attributed to the Respondents. The incident had occurred within public view. The learned Sessions Judge has committed an error in allowing the applications for anticipatory bail.

5. Learned APP on instructions submit that the investigation was completed and charge-sheet was filed on 12th October, 2022. During the course of investigation statements of witnesses were recorded which supports the version of complainant.

6. From the tenor of the FIR it appears that there is dispute about the payment of money. The complaint has alleged that on the date of incident the complainant and other relatives visited the house of Accused wherein there were abuses heard by the Accused on the basis on caste. The incident had occurred within the premises/residence of the Accused. The FIR indicates that the complainant was accompanied by her relatives and her close associates. Learned APP produced the charge-sheet through Investigating Officer and pointed out statements of witnesses. On perusal of the said statement it is apparent that they are close

relatives and associates of complainant. The complainant's version about abuses on caste is not corroborated by any independent witness. Investigation is completed and now charge-sheet is filed. No case is made out to interfere in the impugned orders.

ORDER

. Criminal Appeal No.1050 of 2022; Criminal Appeal No.1051 of 2022 and Criminal Appeal No.1052 of 2022 stands rejected.

(PRAKASH D. NAIK, J.)