

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1092 OF 2022**

Prashant Shantaram Lahane & Anr.

... Appellants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Nilesh R. Pandey a/w. Ms.Reshma Bhopi, Mr.Sameer Vispute & Mr.Rahul Bhosale i/b. Mr.Nilesh Pandey for Appellants.

Ms.S.D. Shinde, A.P.P. for Respondent No.1-State.

Ms.Pranita P. Hingmire, Appointed Advocate for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 17th February 2023.

P.C. :

1. Heard Mr.Pandey, learned Advocate for Appellants, Ms.Shinde, learned A.P.P. for Respondent No.1-State and Ms.Hingmire, learned Advocate for Respondent No.2. Perused record.

2. By a reasoned Order dated 29th November 2022, the Appellants were granted interim relief.

3. It is an admitted fact on record that, the Appellant No.1 is the cousin brother and Appellant No.2 is the real sister of principal accused Karan Lahane. Perusal of First Information Report lodged by Respondent No.2, her Supplementary Statement dated 21st June 2022 and statements of other witnesses would clearly indicate that, no allegations of any nature is

made against Appellants thereby attracting either the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act 2015) (for short, "S.C. & S.T. Act") or even the Indian Penal Code. There are general and very vague allegations against many family members made in their statements.

4. In view thereof, according to us, the Appellants deserve to be protected by pre-arrest bail.

Interim relief, granted by Order dated 29th November 2022, is confirmed.

5. Impugned Order dated 13th September 2022 passed below Exh.1 in Anticipatory Bail Application No. 1645 of 2022 by learned Additional Sessions Judge, Kalyan is set-aside.

6. Appeal is allowed in the aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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