

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.1058 OF 2022

Sunetra Tushar Bhadre	]	..	Appellant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Makrand Kale, for the Appellant.

Mr.S.R. Agarkar, APP for the State.

Ms.Suvarna Yadav for Respondent No.2.

PC Chetan Bagade, Satara City Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 16th March, 2023

P.C.

1] On 27.10.2022, recording prima-facie case in favour of the Appellant, he was directed to be enlarged on bail, subject to he remaining present before the Investigating Officer and co-operate.

It is not the case of the Investigating Officer that the Appellant has not rendered co-operation.

2] In any case, as on date, the dog around whom the entire quibble revolve between the parties, has gone missing and the Appellant state that she had lodged complaint to that effect in the month of August, 2022.

3] Perusal of the complaint, which resulted in registration of the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, will have to be read in the background of the

fact that the Appellant claiming to be an animal activist, lodged a complaint with the committee to Monitor Animal Welfare Laws in Maharashtra, which issued directions to the Senior Inspector of Police, Satara City Police Station to take cognizance of the complaint and accompany the complainant to the location where the dog is kept and rescue the dog from the custody of the owner or caretaker and hand it over to the complainant who was permitted to nurse the dog.

In furtherance of this order, it appears that the Appellant took possession of the dog from the complainant and this is the same dog which has gone missing now.

4] A verbal altercation which took place between the complainant and the Appellant is mentioned in the FIR and it is alleged that when the Appellant sought custody of the dog on the basis of order of the High Court, admittedly there was no order from the High Court, but it was an order from the office of the committee to monitor Animal Welfare Laws in Maharashtra and she took custody of the Dog based on this order. The accusations against the Appellant are that, when the custody of the dog was refused to be handed over to the Appellant, she alleged that the complainant belongs to "Bauddha" caste and she is not capable of taking care of dog.

5] The aforesaid occurrence, in my considered opinion, and in the backdrop of the events, in any case do not prima-facie attract the offence under Section 3(1)(p) as well as 3(1)(r) of the Act of 1989 and since now the Appellate Court has already released the Appellants on bail, I deem it appropriate to confirm the order dated 27.10.2022 on the same terms and conditions.

6] Appeal is disposed off in the abovesaid terms.

[BHARATI DANGRE, J]