

U/s.438 of the Cr.p.c. During pendency of that application, the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were invoked. It appears that, on 13/12/2022 this court (Coram: N. R. Borkar, J.) passed an order in Appellants' Anticipatory Bail Application No.2921 of 2021 permitting the Appellants to withdraw the application with liberty to prefer an appeal.

2. From the history it is clear that the Appellants had not approached the Special Court for the relief of anticipatory bail after the provisions of Atrocities Act were added. The order which is impugned in this appeal is passed by learned Additional Sessions Judge, Pune. That order is not appealable U/s.14A of the Atrocities Act because it is not passed by the Special Judge under the Atrocities Act. The correct procedure would be for the Appellants to approach the Special Court in Pune under the Atrocities Act for seeking the same relief. If any order is passed which is against their interest, that can be challenged by way of Appeal under the provisions of Section 14A of the Atrocities Act.

3. Learned counsel for the appellants agrees with this proposition. He, therefore, seeks permission to withdraw this Appeal with liberty to approach the Special Court in Pune under the Atrocities Act for the similar relief.

4. In the interest of justice, the Appeal is allowed to be withdrawn with such liberty. If any such application is preferred before the appropriate Court under the Atrocities Act, it shall be decided on its own merit in accordance with law. The Appellants were protected by interim orders pending their anticipatory bail application before this court since December 2021. Therefore, that protection is extended for a further period of three weeks from today. Within such period the appellants shall approach the appropriate court for obtaining the appropriate relief.

5. The Appeal is accordingly disposed of with such liberty.

(SARANG V. KOTWAL, J.)