

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

CRIMINAL APPEAL NO. 774 OF 2023

Vikas Balasaheb Bhor ...Appellant
Versus
The State of Maharashtra and Anr. ...Respondents

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Mr. Prashant Aher a/w Mr. Vipul Patil, Advocate for the Appellant.

Mr. Y. Y. Dabake, APP for the Respondent – State.

Ms. Ragini D. (WPSI) Alephata, Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 17th JULY, 2023

PER COURT:

1. Leave to amend to annex relevant documents. Amendment may be carried out within one week from today.
2. Issue notice to respondent No.2, returnable on 8th August, 2023.
3. The appellant is apprehending arrest in connection with C.R. No.227 of 2023 registered with Aalephata Police Station, Pune (Rural) for offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(1)(w)(i), 3(i)(w)(ii) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST (Prevention of Atrocities) Act”), Sections 354, 324, 323, 427, 504,

506 r/w Sections 34 of Indian Penal Code (for short “IPC”), Sections 8 & 12 of the of Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’) and Section 92(a) of the Rights of Persons with Disabilities Act, 2016.

4. The appellant had preferred an application for anticipatory before the Court of Sessions which has been rejected by order dated 04.07.2023.

5. The alleged incident had occurred on 12.05.2023. It is alleged that the co-accused had abused the complainant and others on the basis of their caste. The appellant was allegedly involved in committing the act of molestation amounting to outraging the modesty of women. The FIR was registered on 13.05.2023.

6. Learned Advocate for the appellant submitted that, on the day of incident the sister of appellant had forwarded the complaint to the Police via E-mail stating that the opponents had joined together and assaulted her and others. Subsequently the FIR was registered on the statements of appellant’s sister on 14.05.2023 at the same Police Station for offences under Sections 323, 324, 384, 447, 448, 427, 504, 506 r/w Section 34 of IPC against the Santosh Nimse, Rohan Thorat, Chaitanya Nimse, Anita Thorat & Trupti Thorat (Complainant in the present case). The co-accused were

attributed the role of hurling abuses on caste was granted anticipatory bail by the Sessions Court on the ground that the allegations are vague and that the bar under Section 18 of the SC/ST (Prevention of Atrocities) Act is not attracted.

7. Learned A.P.P. submitted that the investigation is in progress. Specific role has been attributed to the appellant in the FIR.

8. Considering the factual aspects as stated above, interim protection can be granted to the appellant.

ORDER

i. In the event of arrest of the Appellant in connection with C.R. No.227 of 2023 registered with Aalephata Police Station, Pune (Rural) the Appellant be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;

ii. This interim protection is granted till the next date of hearing.

(PRAKASH D. NAIK, J.)