

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.292 OF 2022

Meena w/o Sonaji Deshmukh and another Vs. The State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.I. Gatte, Advocate for appellants.
Shri I.J. Damle, APP for non-applicant/State.

CORAM : ANIL L. PANSARE, J.
DATE : FEBRUARY 01, 2023.

This is an appeal under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “SC/ST Act”).

2. The appellants are aggrieved by the order dated 19.04.2022 passed by the learned Additional Sessions Judge, Khamgaon in ABA No.189 of 2022. It appears that the First Information Report came to be registered vide Crime No.11 of 2022 with Police Station Tamgaon, District Buldhana on 10.01.2022. The learned Sessions Court was of the view that there is bar under Section 18 of the SC/ST Act to entertain the application under Section 438 of the Code of Criminal Procedure. Accordingly, the application has been rejected.

3. This Court has, on 04.05.2022, granted *ad interim* relief considering the nature of dispute, which is/was as matrimonial dispute.

4. During the course of hearing, it is transpired that charge-sheet has been filed and therefore, the learned Additional Public Prosecutor was directed to take instructions whether custodial interrogation of the appellants is necessary.

5. In response, learned Additional Public Prosecutor submits that he has received instructions that charge-sheet has been filed and custodial interrogation of the appellants is not necessary. There is thus no reason why the interim relief granted should not be confirmed.

6. Hence, following order is passed.

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 19.04.2022 passed by the learned Additional Sessions Judge, Khamgaon in ABA No.189 of 2022 is quashed and set aside.
- (iii) In the event of arrest in Crime No.11 of 2022 registered with Police Station Tamgaon, District Buldhana for an offence punishable under Sections 354, 354A, 323, 506 read with Section 34 of the IPC and Section 3 (1) (w) (i)(ii), 3(2)(va) of the SC/ST Act, appellants-(1)Meena W/o Sonaji Deshmukh and (2) Lilabai W/o Narayan Deshmukh, be released on bail on they furnishing P.R. Bond in the sum of ₹15,000/- each with one solvent surety in the like amount.

(iv) The appellants shall regularly attend the Court and cooperate the learned trial Court to complete the trial for the above offences. The appellants shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(v) The appellants shall, at the time of execution of bond, furnish their address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the residence till the final disposal of the case.

(vi) The appellants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vii) The appellants shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

JUDGE

Wagh