



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

CRIMINAL APPEAL NO.278 OF 2023

Prakash Digambar Tapre and others Vs. 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.

Ms D.D. Fulwani, Advocate h/f Shri K.H. Anandani, Advocate
for appellants.

Shri M.J. Khan, APP for respondent no.1/State.

Shri S. N. Nandeshwar, Advocate for respondent no.2.

CORAM : M.W. CHANDWANI, J.

DATE : SEPTEMBER 26, 2023.

Heard. Admit.

2. The anticipatory application of the appellants having been rejected by the learned Additional Sessions Judge, Akola by its order dated 05.04.2023 in Crime No.117/2023 registered with Police Station, Barshitakali, District Akola for the offences punishable under Sections 143, 147, 149, 294, 323 and 506 of the Indian Penal Code and under Sections 3 (1)(r), 3(1)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the present appeal came to be filed.

3. The First Information Report (FIR) has lodged by the informant with an allegation that all the appellants gathered in front of her house and gave filthy abuses by referring their caste and threatened them. It is further alleged in the FIR that the appellants were armed with knife and wooden

sticks. They tried to assault her son Satish by means of knife. Even one month's newborn child was snatched away by the accused no.5 and they also tried to assault the newborn child. On her complaint, the aforesaid crime came to be registered against the applicants.

4. The appellants had moved an application for anticipatory bail before the learned Additional Sessions Judge, which came to be rejected by impugned order dated 05.04.2023. Hence, this appeal.

5. Heard learned counsel for the appellants as well as learned APP for the State.

6. It appears from the reply filed by the learned APP that the investigating officer is of the opinion that no such incident has occurred as alleged by the informant and the investigating officer does not find any substance in the First Information Report of the informant, even, he has forwarded the investigation papers to file 'B' Summary in this case.

7. In view of above statement in reply as well as submission made by the learned APP, apprehension of arrest does not survive. Therefore, appeal does not survive. Accordingly, the appeal is disposed of as infructuous.

JUDGE

Wagh