

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

CRIMINAL APPEAL NO.436 OF 2020

Umesh Roduba Surushe Vs. State of Maharashtra and anther

WITH

CRIMINAL APPEAL NO.207 OF 2020

Santosh Baban alias Jagannath Bhanpure Vs. State of Maharashtra and anther

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

Court's or Judge's orders.

Shri A.J. Thakkar, Advocate for appellants.
 Shri M.J. Khan, APP for respondent no.1/State.
 Smt. Smita Deshpande, Advocate for respondent no.2.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 21, 2023.

These are appeals 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 apprehending arrest in Crime No.65 of 2020 registered with Police Station, Mehkar, District Buldhana for the offence punishable under Sections 394, 341, 504, 506 of the Indian Penal Code and under Section 3(1)(r)(u)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. The accusation against the appellants is that they have abused the informant by caste and beaten him and further have snatched amount of Rs.400/- from his pocket.

4. The only reason why the appeals are opposed is that the amount of Rs.400/- is to be recovered at the instance of the appellants. The interim protection was granted vide order 26.03.2020 in Criminal Appeal no.207/2020 and vide order dated 06.11.2020 in Criminal Appeal No.436/2020. The appellants were directed to attend the police station and cooperate in the investigation. It is

nobody's case that the appellants have not attended the police station as directed by this Court. If that be so, neither prevented the investigating officer to recover the amount from the appellants and for that purpose attendance of the appellants could have been treated as custody as required under Section 27 of the Indian Evidence Act. There is nothing on record to show what efforts were taken by the investigating officer to receive the amount. Thus, there appears no reason as to why interim relief granted should not be confirmed.

5. When enquired, the learned counsel for the appellants submits that there are no criminal antecedence against the appellants.

6. The observations made in this order are *prima facie* and are made for deciding the present application only. The learned trial Judge shall not get influenced with the above observations.

7. Resultantly, interim relief granted vide order 26.03.2020 in Criminal Appeal no.207/2020 and vide order dated 06.11.2020 in Criminal Appeal No.436/2020 is confirmed in the following terms:

ORDER

- (i) Both appeals are allowed.
- (ii) Appellant in Criminal Appeal No.207/2020 – Santosh S/o Baban alias Jagannath Bhanpure and appellant in Criminal Appeal No.436/2020 - Umesh S/o Roduba Surushe in Crime No.65 of 2020 registered with Police Station, Mehkar, District Buldhana for the offence punishable under Sections 394, 341, 504, 506 of the

Indian Penal Code and under Section 3(1)(r)(u)(s), 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on they furnishing P.R. Bond in the sum of ₹25,000/- each with one surety in the like amount.

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

(iv) After filing the charge-sheet, 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 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.

(vi) The appellants shall maintain law and order.

(vii) 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.

(viii) The professional fees of the learned counsel appointed for respondent no.2/victim be quantified and paid, as per Rules.

The appeals are disposed of in the above terms.

JUDGE

Wagh