



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.17 OF 2024

1. Sunil Rama @ Rambhau Ganjure
Age: 48 years, Occu: Agricultural,
R/o: Ganjure Mala, Shrigonda,
Tq: Shrigonda, Dist: Ahmednagar.
 2. Namdev Rama @ Rambhau Ganjure
Age: 43 years, Occu: Service,
R/o: Ganjuremala, Shrigonda,
Tq: Shrigonda, Dist: Ahmednagar.
 3. Haribhau Rama @ Rambhau Ganjure
Age: 50 years, Occu: Agricultural,
R/o: Ganjuremala, Shrigonda,
Tq: Shrigonda, Dist: Ahmednagar.
- ... Appellants

Versus

1. The State of Maharashtra
Through, The Superintendent of Police,
Ahmednagar, Dist: Ahmednagar,
Dist: Ahmednagar.
 2. The State of Maharashtra
Through, The Deputy Superintendent of Police,
Karjat Bhag, Karjat Tq: Karjat,
Dist: Ahmednagar.
 3. Meera Pradip Bhingardive
Age: 35 years, Occu: Household,
R/o: Darewadi, Tq: Shrigonda,
Dist: Ahmednagar.
- ... Respondents

Advocate for Appellants : Mr. Rahul B. Temak
APP for Respondent Nos.1 & 2 : Mr. N.B. Patil
Advocate for Respondent No.3 : Mr. Vijay P. Latange

...

CORAM : NITIN B. SURYAWANSHI, J.

**RESERVED ON : 20th FEBRUARY, 2024
PRONOUNCED ON : 13th MARCH, 2024**

ORDER :

1. By this appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, appellants challenge order dated 29/12/2023, passed by learned In-Charge Additional Sessions Judge, Shrigonda, in Criminal Bail Application No.813/2023, thereby rejecting anticipatory bail application filed by appellants.

2. FIR is lodged by informant belonging to scheduled caste, alleging that her father died in the year 1995 and mother died in the year 2013. Her parents owned 1.5 Guntha land at Ganjuremala, Shrigonda, and a house was constructed on the said plot, which was locked since long. Sunil Rama Ganjure, Namdev Rama Ganjure and Haribhau Rama Ganjure, all residents of Ganjuremala are residing adjacent to the said plot with their families. Prior to six months when informant came to the house of her parents, it was in good condition. Then, informant went to her matrimonial house at Darewadi. As informant was intending to have Gharkul at Darewadi, Sarpanch told her that her name is not in the ration card of Darewadi but her name is in the ration card of Shrigonda. He asked her to delete her name from Shrigonda and get her name added in ration card of village Darewadi, and then, she will be eligible to get Gharkul. On 10/12/2023, at about 10:30 a.m. informant came to Shrigonda for deletion of her name from ration

card of Shrigonda. When she went to her house at Ganjuremala, she found that the house had collapsed. When she asked neighbour Popat Balasaheb Ganjure as to how the house collapsed, he told her that appellants Sunil, Namdev and Haribhau, and their sons have brought it down. When informant went and asked appellants the reason, they called name of her caste and told her not to reside as their neighbour. Hence, the informant lodged the report. After registration of crime, appellants filed anticipatory bail application before the Sessions Court, Shrigonda, which is rejected. Hence, present appeal.

3. Heard learned APP for respondent Nos.1 and 2, learned advocate for appellants and learned advocate for respondent No.3. Perused the documents placed on record.

4. Appellants claim that they are innocent and falsely implicated in present crime. It is claimed that Popat Ganjure, though is from their brotherhood, there is dispute between Popat Ganjure and appellants, therefore, he has falsely and deliberately informed informant that due to the damage caused by appellants to the parental house of informant, it collapsed.

5. On going through investigation papers, *prima facie*, there appears substance in contention of appellants that due to the civil dispute, they are falsely implicated in present case. Learned

advocate for appellants is right in contending that Popat Ganjure with whom appellants had dispute, had no occasion to accompany informant when she came to ask about bringing down of parental house of informant. On 11/10/2022 and 09/10/2022, applicant No.1 Sunil had filed complaints against informant to the Superintendent of Police, Ahmednagar, and in the Shrigonda Police Station, stating that informant has threatened him in presence of appellant No.2 that she will implicate appellants in a false case under Atrocity Act. Copies of said complaints are placed on record.

6. Appellant No.2 Namdev is working as Body Fitter in S.T. Depot, Shrigonda and at the time of alleged incident he was working at the Shrigonda S.T. Depot. He has placed on record letter issued by S.T. Depot, Shrigonda to that effect.

7. It further appears that parental house of informant was locked since the death of informant's parents i.e. since about last ten years and the same was constructed in mud. Therefore, there is merit in contention of appellants that as there was no maintenance to the said house at all for last ten years, it collapsed.

8. There is delay of three days in lodging the FIR which is unexplained. As per allegations made in the FIR appellant No.1 Sunil and appellant No.3 Haribhau have in chorus called name of informant's caste, which is *prima facie* unbelievable.

9. Offence is registered on 13/12/2023 and nothing is to be recovered from appellants. *Prima facie*, the allegations made in FIR appears to be afterthought and unbelievable, hence *prima facie* offence under Atrocity Act is not made out, therefore, bar under Section 18 would not be attracted.

10. Appellants have made out a case for grant of discretionary relief of anticipatory bail. Appeal is, therefore, allowed by confirming interim protection granted to appellants by order dated 08/01/2024. Impugned order dated 29/12/2023, passed by learned In-Charge Additional Sessions Judge, Shrigonda, in Criminal Bail Application No.813/2023, is quashed and set aside.

11. Till filing of charge-sheet, appellants shall attend concerned police station as and when called by investigating officer and co-operate in investigation. Appellants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)