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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.20 OF 2024

Amol Babasaheb Khandare and Others

APPELLANTS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Santosh Bhosale, Advocate for appellants
Mr. S. P. Sonpawale, APP for respondent - State
Ms. Sunita G. Sonawane, Advocate for respondent No.3
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th MARCH, 2024

ORDER :

1. This appeal, filed under section 14-A of the Scheduled Caste and the Scheduled Tribe (Prevention of Atrocities) Act, 1989 challenges order dated 1st January, 2024 passed by learned Additional Sessions Judge, Sangamner in Criminal Bail Application No. 392 of 2023, thereby rejecting the anticipatory bail application filed by appellants.

2. FIR is lodged by informant, alleging that appellants have obstructed their easementary way, by putting stones on the same and on 13th November, 2023 at 11.30 a.m., when informant questioned them, abuses in the name of caste and threats were given to him.

3. Heard learned advocate for appellants, learned APP for the State and learned advocate for informant. Perused investigation papers.

4. According to appellants, FIR is lodged by appellant No.2 against 3 family members of informant, which is registered at Crime No. 926 of 2023 for offence punishable under section 327, 354-B, 253, 504, 506 read with 34 of the Indian Penal Code and appellant No.2 has also lodged a complaint which is registered as NCR No. 1517 of 2023 against informant and his family members, alleging that they have given threats to implicate appellants in atrocity cases.

5. Pranav @ Michel Bapusaheb Shelke, son of informant is granted anticipatory bail by this Court in Anticipatory Bail Application No. 23 of 2024. While granting bail, it is observed that a civil dispute appears to be pending between applicant's father and informant.

6. Present FIR *prima facie* appears to have been lodged on account of civil dispute and possibility of false implication cannot be ruled out at this stage. *Prima facie*, therefore, offence under the Atrocities Act is not attracted in the present crime. Bar under section 18 of the Atrocities Act, therefore, is not applicable.

7. Appellants were granted interim protection and they have attended the concerned police station and have co-operated in the investigation. Nothing is to be recovered from them. Charge sheet in the present crime is filed on 6th February, 2024 and the case is numbered as Special Case No. 8 of 2024. Therefore, pre-trial custodial detention of appellants is not necessary.

8. In the result, following order.

ORDER

- A. Appeal is allowed.
- B. Impugned order dated 1st January, 2024 passed by learned Additional Sessions Judge, Sangamner in Criminal Bail Application No. 392 of 2023 is quashed and set aside.
- C. In the event of arrest of appellants in Crime No. 927 of 2023 registered with Sangamner City Police Station, District - Ahmendnagar, they be released on executing Personal Bonds and Surety Bonds of Rs.15,000/- with one surety each in the like amount. Appellants shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**