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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.95 OF 2024

Amar Ramakant Puri

APPELLANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Sudarshan J. Salunke, Advocate for the appellant
Mrs. S. S. Joshi, APP for respondent - State
Mr. H. H. Padalkar, Advocate for respondent No.3.
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th APRIL, 2024

ORDER :

1. This appeal, filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenges order dated 12th January, 2024 passed by learned Special (Atrocity) Judge, Beed in Criminal Bail Application No. 1258 of 2023, thereby rejecting anticipatory bail to appellant.

2. Respondent No.3 – victim, lodged FIR on 28th November, 2023 alleging that she is serving in Hap Daily Needs shop owned by Sunny Shince at Tuljai Chowk, Beed. Till June, 2023, accused Amar Puri was working in the said shop as Manager, but as he committed misappropriation, the shop owner removed him from

service. Thereafter Amar started his own milk agency by name "Prabhat". On the issue of distribution of milk, since last three months there were quarrels between Gokul Pujari and Amar Puri. Gokul Pujari is Manager of said shop. On 24th November, 2023, at about 7.30 p.m. she was doing her duty in the said shop. At that time, Amar came there and started scattering articles in the shop and when informant told him not to do so, Amar came near her from back side and hugged her tightly from back side. When informant asked him not to do so, then he again started scattering articles on the shop counter. When informant obstructed him, he removed her dupatta and started pressing her breasts and abused her in the name of her caste. In the meantime, shop Manager Gokul Pujari came there and then quarrel took place between him and appellant. Appellant abused and assaulted him with fist and kick blows. When passerby gathered in the shop, accused fled from the spot.

3. Heard learned advocate for appellant, learned APP for the State and learned advocate for respondent No.3. Perused the investigation papers.

4. It is the case of appellant that he had dispute with employer of victim in respect of dairy business. Gokul Pujari, who is working with victim lodged NC against him, which is registered

at NCR No. 0949 of 2023 on 26th November, 2024, wherein it is alleged that on 24th November, 2024 at 8.00 p.m. appellant came to Hap Daily Needs and assaulted him, questioning as to why he has distributed milk on his counter and assaulted him with fist and kick blows. NC is registered under sections 323, 504, 506 read with 34 of the Indian Penal Code, against appellant and one Shubhan Mhaske.

5. Admittedly, there is delay of 4 days in lodging the FIR, which is not explained by the victim. It is alleged in the FIR that appellant was appointed as manager in the shop of her employer, whereas it is the contention of appellant that he was willing to be a partner of employer of informant, for which a partnership deed was also prepared, however, since appellant did not agree to terms and contention of the partnership deed, he did not execute the same and he started his own milk business, in the name Rudra Distributors. A shop act licence issued in that name is placed on record.

6. There appears substance in the contention of appellant that he is falsely implicated in the present crime, by victim/respondent No.3, at the instance of her employer. Gokul Pinjari has not disclosed the incident of outraging modesty of victim in the NC report lodged by him. In the subsequent statement

recorded on 29th November, 2023, he has stated that victim's modesty was outraged by appellant at the time of incident, which appears to be afterthought. *Prima facie*, offence punishable under the Atrocities Act is not made out against appellant. Therefore, bar under section 18 of the Atrocities Act would not be attracted in the facts of the present case. Charge sheet is filed on 6th February, 2024. Appellant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from appellant, hence, is pre-trial custodial detention is not necessary.

7. In the result, following order :-

ORDER

- A. Appeal is allowed.
- B. Impugned order dated 12th January, 2024 passed by learned Special (Atrocity) Judge, Beed, below Exhibit-1 in Criminal Bail Application No. 1258 of 2023 is quashed and set aside.
- C. In the event of arrest of appellant in connection with Crime No. 610 of 2023 registered with Shivaji Nagar Police Station, Beed, District - Beed, appellant Amar Ramakant Puri be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.

- D. Appellant shall not try to contact and / or influence prosecution witnesses and shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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