



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 183 OF 2024

Satish S/o Vithal Thakre

... Appellant

VERSUS

The State Of Maharashtra
And Others

... Respondents

.....

Ms. Santosh C. Bhosale, Advocate for Appellant

Mr. S.P. Sonpawale, APP for Respondent Nos.1 and 2 – State

Mr. Rahul P. Cheble, Advocate for Respondent No.3

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th APRIL, 2024

ORDER :

1. Leave to amend.
2. By this appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, appellant challenges order dated 13.02.2024, passed by learned Additional Sessions Judge, Dhule in criminal bail application no.135 of 2024, thereby rejecting anticipatory bail to applicant.
3. Respondent No.3 lodged FIR on 01.02.2024 alleging that she is resident of village Dhamane, Taluka and District- Dhule. She belongs to scheduled caste community. Appellant/accused is resident of same village. Appellant's

mother is Sarpanch of the village. Appellant/accused belongs to Patil community. Her husband was serving as Peon in Gram Panchayat, Dhamane, District-Dhule. Prior to three months her husband died. Hence, she was requesting the Sarpanch and appellant/accused to provide job to her son on compassionate ground. However, appellant/accused refused to employ her son on the ground that, they belong to Scheduled Caste community. On 31.01.2024 she made complaint to Chief Officer, Zilla Parishad, Dhule. Enraged thereby, on 01.02.2024 at 9.00 a.m., appellant/accused came at her house and abused her in filthy language. He pulled and beat her and abused her with reference to her caste.

4. Heard learned advocate for appellant, learned APP for respondent nos.1 and 2 – State and learned advocate for respondent No.3. Perused the investigation papers.

5. It is the case of appellant that on 01.02.2024 FIR at C.R. No.0016/2024 is lodged by him against Sunil Bhatu Baisane, Buta Bhatu Baisane, Ramesh Mohan Baisane, Mayabai Bhatu Baisane, Amol Rajendra Baisane, mother of Rajendra Bhatu Baisane, Mangalabai Rajendra Baisane and Anil Mohan Baisane. It is registered at Songir Police Station, District-Dhule for offence punishable under sections 141, 143,

147, 148, 149, 323, 504, 506 of the Indian Penal Code and with a view to give counter blast to the same, he is falsely implicated in the present crime. He is serving as Gramsevak at Kasara, District-Thane, which is at considerable distance from village Dhamane.

6. Perusal of investigation papers reveal that informant is pressurizing the Village Panchayat for appointing her or her minor son on compassionate ground in the place of her deceased husband Rajendra Bhatu Baisane, who was working in Water Supply Department of the Village Panchayat as Peon. Mother of appellant is Sarpanch of Gram Panchayat Dhamane, District-Dhule. It appears that in the place of deceased husband of informant, one Yogesh Patil was appointed by the Village Panchayat on compassionate ground. Informant and her relatives did not like the same and they were insisting that either she or her son should be appointed. Even Yogesh Patil was intimidated and threatened by informant and her relatives for which the Village Panchayat on 24.11.2023 has lodged a complaint with Superintendent of Police, Dhule. In the said complaint, it is specifically mentioned that, the relatives of informant threatened that informant should be appointed in the place of her husband and her minor son and brother-in-law

Sunil would be looking after the water supply of the village. Though the Village Panchayat informed that such illegal act cannot be done by them, they threatened to implicate the members under the Atrocities Act. The appointed person Yogesh Patil has also lodged N.C. report against informant that he was threatened and intimidated, which is registered at NCR No.0176/2023 on 10.06.2023.

7. Appellant has lodged FIR at C.R. No.0016/2024 on 01.02.2024 as is referred herein above. Therefore, it *prima facie* appears that with a view to pressurize the Village Panchayat members, mother of appellant (Sarpanch of the Village Panchayat) to keep appointment of minor son or to informant, the present FIR is lodged malafidely. Except mere relatives of informant no other witnesses have supported the allegations made by informant in the FIR. In these facts, *prima facie*, offence under Atrocities Act are not attracted to the facts of the present case. Hence, bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not be applicable.

8. Learned advocate for respondent no.3 submits that appellant is trying to pressurize the informant and her

relatives. That can be taken care of by imposing suitable conditions.

9. It appears that, investigation is almost complete. Appellant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from appellant in view of allegations made in the FIR. Appellant therefore deserves protection. Hence, the following order.

ORDER

- (I) Appeal is allowed.
- (II) Impugned order dated 13.02.2024 passed by learned Additional Sessions Judge, Court No.5 in Criminal Bail Application No. 135/2024, is hereby quashed and set aside.
- (III) Interim protection granted to appellant by order dated 26.02.2024 is hereby confirmed.
- (IV) Till filing of charge-sheet and three months thereafter, appellant shall not enter village Dhamane, District-Dhule.
- (V) Appellant shall not in any manner try to influence the prosecution witnesses.

**[NITIN B. SURYAWANSHI]
JUDGE**