



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 800 OF 2024

Raman Nagorao Shinde

VERSUS

The State Of Maharashtra And Another

- Mr. P. B. Rakhunde, Advocate for the Appellant
- Mr. S. B. Narwade, APP for the Respondent/State
- Mr.G. G. Suryawanshi, Advocate for the Respondent No.2

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. This appeal is filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'Atrocities Act') challenging order dated 17.08.2024 passed by learned Additional Sessions Judge, Bhokar, in Criminal Bail Application No. 84/2024 rejecting application for anticipatory bail in connection with Crime No. 255/2024 registered with Bhokar Police Station, Dist. Nanded for the offences punishable under Sections 504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of the Atrocities Act.

2. First information report lodged by Respondent

No. 2 indicates that an incident had occurred on 12.05.2024 wherein at a public place the Appellant had abused him over his caste. It was also threatened him to call upon his wife to resign from the post of Sarpanch or else false complaint would be lodged against them and they will put in jail.

3. Learned Counsel for the Appellant submits that if said incident had occurred on 12.05.2024 no one had prevented Respondent No. 2 from lodging report immediately and in respect of the same incident FIR is lodged on 27.07.2024 i.e., after about two months of the alleged occurrence thereof. It is his further submission that there is political rivalry between informant and the Appellant and owing to the same, he is falsely implicated in the crime.

4. Learned APP and learned Counsel for Informant strenuously opposed the Appeal. Learned Counsel for the Informant has drawn attention of the Court to the provisions of Section 18 of the Atrocities Act and the judgments of Hon'ble Supreme Court in Vilas Pandurang Pawar vs. State of Maharashtra and Ors, 2012 (4) Bom.C.R. (Cri.) 408, Shakuntla Devi vs. Baljinder

Singh, AIR OnLine 2013 SC 163 & this Court in Saliquddin vs. The State of Maharashtra, Criminal Appeal No. 356/2018. It is his submission that it is observed by the Additional Sessions Judge while rejecting the application for anticipatory bail, this this is a case of a political rivalry. He also drew attention of the Court to the written complaint lodged by the informant to the police in respect of incident dated 12.05.2024 wherein a reference is made with regard to holding of some documents of wife of the informant in the year 2021. Thus, it is his contention that this is a continuous offence. He has drawn attention of the Court to the FIR bearing No. 319/2024 lodged with Bhokar Police Station against party members of the Appellant herein.

5. As per the contention of the Informant the incident has occurred on 12.05.2024. It is not the case of this informant that he went to police station and police did not register the crime. His application dated 28.06.2024 is also made after one month which does not say anything about refusal of registration of crime. The submission of learned Counsel for Informant

is not acceptable for the reason that the very Informant has lodged report in respect of an incident occurred on 30.08.2024 immediately. This shows that he is aware of his right and not hesitant to go to police station. Admittedly, there is a political rivalry between both sides. There is no evidence of any independent witness who has witnessed the incident in which the informant was allegedly abused over his caste. The statement that the incident has occurred in public place, it becomes difficult to accept that only close relatives of the informant witnessed the incident.

6. No doubt, Section 18 of the Atrocities Act creates embargo for granting bail but if Court comes to *prima facie* conclusion that no offence is made out under the Atrocities Act and the possibility of false implication is apparent, there is no embargo to this Court to exercise the power.

7. In view of above, case is made out for protecting liberty of the Appellant. Hence, the order:

O R D E R

(i) In the event of arrest of the Appellant in

connection with Crime No. 255/2024 registered with Bhokar Police Station, Dist. Nanded for the offences punishable under Sections 504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of the Atrocities Act, Appellant shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.

- (ii) Appellant shall attend the concerned police station as and when required.
- (iii) Appellant shall not contact the witnesses directly or indirectly.
- (iv) Appellant shall not interfere with the evidence in any manner whatsoever.
- (v) Appellant is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)