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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.981 OF 2023

Anusayabai Madhavrao Raut

APPELLANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Dhananjay M. Shinde, Advocate for the appellant
Mr. S. B. Jadhav, APP for respondent - State
Mr. A. G. Jadhav, Advocate for respondent No.3
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th JANUARY, 2024

ORDER :

1. Appellant apprehends arrest in Crime No. 215 of 2023 registered with Basmat Rural Police Station for offence punishable under sections 324, 504, 506 r/w 34 of the Indian Penal Code and under section 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the Scheduled Caste, Scheduled Tribes (Prevention of Atrocities) Act.
2. FIR is lodged by Waman Gaikwad – belonging to Scheduled Caste, alleging that on 11th September, 2023, at 11.50 a.m., while he was waiting for a bus, below a Babul tree, accused No.1 Madhav, husband of appellant, came there and by taking name

of caste of informant, asked him to remove himself from there. When informant told him that it is a public place and he cannot ask him to go from there, accused No.1 asked appellant to catch hold of informant's hands and then he assaulted informant with stone, on his forehead, due to which informant suffered a bleeding injury. Thereafter, appellant made him fall on the ground and assaulted him with slaps and fist blows. Both accused threatened to kill him.

3. Anticipatory Bail Application preferred by appellant is rejected by Sessions Court, hence the present appeal.

4. Heard learned advocate for appellant, learned APP and learned advocate for informant – respondent No.3.

5. Learned APP as well as learned advocate for informant have strenuously opposed the appeal stating that there are direct allegations against appellant and appellant has played an active role in the commission of offence and hence, she does not deserve anticipatory bail.

6. Perusal of investigation papers reveals that there is civil dispute going on between informant and husband of appellant. Accused No.1 – husband of appellant was arrested and he is released on regular bail. Appellant is woman of 74 years of age

and there are no direct allegations against appellant that she also abused informant in the name of caste. There is delay of 8 days in lodging the FIR. *Prima facie*, false implication of appellant in the present crime cannot be ruled out at this stage. Investigation appears to be on the verge of completion. Nothing is to be recovered from appellant. It appears that offence punishable under the Atrocities Act is not made out in the present crime. In that view of the matter, appellant is entitled for the relief. Hence, the following order.

ORDER

- A. Appeal is allowed by confirming the interim protection granted by order dated 18th October, 2023.
- B. Till filing of the charge sheet, appellant shall attend the concerned police station as and when called by the Investigating Officer.
- C. Appellant Shall not tamper prosecution evidence and shall not influence prosecution witnesses.

[NITIN B. SURYAWANSHI]
JUDGE