

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.178 OF 2024

Sangeeta Ashok Deshpande & Ors.	Appellants
V/S	
The State of Maharashtra & Anr.	Respondents

Mr. Samay Pawar i/b Mr. Jaydeep D. Mane *for the Appellants.*
Mr. Ashok R. Metkari, APP *for Respondent No.1/State.*
Mr. Hrishikesh S. Shinde *for Respondent No.2.*

Mr. W.P. Shelke, P.N., Vajapur Naka Police Station, Solapur (City) present in Court.

CORAM: SANDEEP V. MARNE, J.
DATE : 3 SEPTEMBER 2024.

P.C.:

1 This is an Appeal filed under provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 15 February 2024 passed by the learned Special Judge, Solapur rejecting the application for pre-arrest bail in connection with Crime No.24 of 2024 registered with Vijapur Naka Police Station for offences punishable under sections 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(v) of SC & ST Act.

2 Appellants are on interim protection granted by this Court vide order dated 26 February 2024. In paragraph 3 of the order this Court has

recorded following findings while granting interim protection in favour of the Appellants:

“3. The appellants are accused Nos.2 to 5. The complainant has alleged that there was some ongoing dispute between the complainant’s family and the accused persons. On the date of the incident i.e. on 21/01/2024, annoyed by the act of the complainant leaving some decoration articles in the society premises, the accused called upon the complainant to forthwith remove them. The appellants and other accused are alleged to have assaulted the complainant and his father.”

3 The Appeal was further heard on 22 July 2024 when this Court passed following order:

“1) Mr. Shinde the learned counsel appearing for Respondent No.2 would draw my attention to F.I.R. dated 11 March 2024 lodged *inter alia* against the Appellants – Omkar Keshav Mote and Yash Keshav Mote. The said F.I.R. alleges assault on a third party on 10 March 2024. Mr. Shinde would accordingly submit that the Appellant Nos.3 and 4 are habitual offenders and would strongly oppose grant of anticipatory bail in their favour.

2) Additionally Mr. Shinde would submit that another non-cognizable complaint is filed against Appellant No.2 – Manav Khandu Dhaygude on 14 May 2024 for threatening the complainant.

3) Appellant Nos.3 and 4 (Omkar Keshav Mote and Yash Keshav Mote) shall remain present before the concerned police station on 29, 30 and 31 July 2024 between 11.00 a.m. to 4.00 p.m.

4) List the Appeal ‘for further consideration’ on 6 August 2024.

5) Interim protection granted earlier shall continue to operate till the next date.”

4 In pursuance of order passed by this Court on 22 July 2024, it appears that Appellant Nos. 3 and 4 have attended the concerned police station and have cooperated with completion of investigations. The investigations are now complete and the charge-sheet has been filed. The learned APP would clarify that custodial interrogation of the Appellants is no longer warranted.

5. It is also seen that the FIR statement does not indicate any caste-based utterances on the part of the Appellants. The FIR statement does not indicate that the crime has been committed with a view to humiliate the caste of the complainant. All the Indian Penal Code offences involved in the present crime are bailable. Therefore, bar under section 18 of the SC & ST Act would not be attracted in the present case.

6. Considering the above position, in my view, the interim protection granted in favour of the Appellants deserves to be made absolute.

7. The Appeal accordingly succeeds and I proceed to pass the following order:

ORDER

i) Order dated 15 February 2024 passed by the Special Judge, Solapur is set aside;

ii) Interim protection granted in favour of the Appellants by order dated 26 February 2024 is made absolute subject to the following conditions:

a) Appellants shall attend all dates before the Trial Court unless exempted;

b) Appellants shall not attempt to contact or pressurize the Complainant or any of the witnesses associated with the case in any manner nor shall they tamper with the evidence in the case;

c) Appellants shall remain present before the Investigating Officer as and when their presence is required for completion of any further investigations.

8 With the above directions, the Criminal Appeal is allowed and disposed of.

(SANDEEP V. MARNE, J.)

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