

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 188 OF 2024

Suhas Sayaji Chavan

....Appellant

: **Versus** :

State of Maharashtra & Anr.

....Respondents

Ms. Shivani Kondekar, i/by. **Mr. Ashish S. Vernekar**, for the Petitioner.

Ms. Shilpa K. Gajare-Dhumal, for the Respondent No.1-State.

Mr. Gopal Parab, Advocate appointed for Respondent No.2.

CORAM : **SANDEEP V. MARNE, J.**

Dated : **4 DECEMBER 2024.**

P.C. :

1) This is an Appeal filed under the provisions of Section 14A challenging order dated 17 February 2024 passed by the Learned Special Judge (Atrocity Act) & Additional Sessions Judge, Kolhapur rejecting the application filed by the Appellant for grant of pre-arrest bail in connection with C.R. No. 78/2024 registered with Vadgaon Police Station for the offences punishable under Sections 323, 353, 504, 506 read with Section 34 of the Indian Penal Code.

2) I have heard Ms. Kondekar, the learned counsel appearing for the Appellant, Ms. Gajare-Dhumal the learned APP appearing for

State and Mr. Parab, the learned advocate appointed from the legal aid panel to represent Respondent No.2.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, the FIR statement would *prima-facie* indicate that the scuffle had occurred on account of disconnection of water supply in the village. Complainant is an elected Sarpanch. It appears that the water supply was disconnected on account of non-payment of water charges by some of the villagers. The Appellant and his accomplice were apparently aggrieved by disconnection of water supply in respect of those villages who had cleared all the water charges. The Appellant has apparently questioned the Complainant about disconnection of his water supply despite clearing the water dues. Since the entire scuffle was with disconnection of water-supply, *prima-facie* it becomes unbelievable at this stage that there was any reason for the Appellant to abuse the Complainant with reference to his caste. Though the FIR statement indicates presence of only Clerk, Raosaheb Raghunath Patil at the place of incident, the prosecution has recorded statements of several other persons claiming to be independent witnesses to the incident in question. However, the FIR statement does not indicate their presence in the Gram Panchayat office at the relevant time.

4) The Appellant is on interim protection granted by this Court by order dated 29 February 2024. He has co-operated with the conduct of investigations. Upon completion of investigations, chargesheet has been filed. In that view of the matter, custodial interrogation of the Appellant at this stage is not warranted. In absence of *prima-facie* case of commission of offence under the S.C.S.T.

Act, bar under the provisions of Section 18 thereof would not be attracted in the present case. In my view therefore the interim protection granted in favour of the Appellant deserves to be made absolute. I accordingly proceed to pass the following order :

(i)The order dated 17 February 2024 passed by the Special Judge (Atrocities Act) and Additional Sessions Judge, Kolhapur is set aside. Interim protection granted in favour of the Appellant by order dated 29 February 2024 is made absolute.

(ii)The Appellant shall not contact the Complainant or any persons associated with the case or pressurize them.

(iii)The Appellant to remain present on all dates of hearing before the Trial Court, unless exempted.

5) With the above directions, the **Appeal is allowed and disposed of.**

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[SANDEEP V. MARNE, J.]