

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

CRIMINAL APPEAL NO.398 OF 2024

1) Akash Bhojappa Sinnur
2) Sachin Basappa Sinnur

....Appellants

V/s.

The State of Maharashtra and Anr.

...Respondents

WITH

CRIMINAL APPEAL NO.342 OF 2024

Mallappa Gurupadappa
Dhanahalli @ Dhanalli

....Appellant

V/s.

The State of Maharashtra and Anr.

...Respondents

WITH

CRIMINAL APPEAL NO.299 OF 2024

1. Subhash Shankar Patil
2. Balappa Gurupad @
Gurupadappa Dhanahalli
3. Annappa @ Annarao Shavareppa
@ Shourya Rodage
4. Rajkumar @ Rajshekhar
Annappa Rodage

....Appellants

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Ritesh Thobde with Ms Ankita Pramod Rai for the Appellants.

Ms Anuja S. Gotad, APP for Respondent No.1.-State.

Ms Priyanka Chavan, appointed Advocate for Respondent No.2.

*Mr. Mohan Umakant Pawar, PC, Akkalkot South Police Station,
Solapur (Rural).*

CORAM : SANDEEP V. MARNE, J.

Dated : 8 October 2024.

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P.C.:

1) These are the appeals under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) filed by the Appellants challenging the orders dated 4 March 2024 passed by the learned Special Judge, Solapur, rejecting their applications for grant of pre-arrest bail in connection with Crime No.25 of 2024 registered with Akkalkot South Police Station, for the offences punishable under Sections 143, 147, 149, 324, 504 and 506 of the IPC and Sections 3(1)(r), 3(2)(va) of the SCST Act and Sections 7(1)(d), 10 of Protection of Civil Rights Act, 1955.

2) I have heard Mr. Thobde, the learned counsel appearing for the Appellants, Ms Priyanka Chavan, the learned counsel appearing for Respondent No.2 and Ms. Gotad, the learned APP for Respondent No.1-State.

3) Perusal of the FIR statement would indicate that FIR is lodged in connection with the incident, which occurred on 16 January 2024 when the Complainant and others enquired about non-allotment of badges to them for acting as volunteers in the fair organised in the village. It is alleged that on account of such enquiry being made, 7 accused hurled caste based abuses towards the Complainant and Akash Bhojappa Sinnur and Malappa Gurupadappa Dhanalli assaulted the Complainant with stick and once again abused him with reference to his caste. It appears that the caste based utterances are not attributed to any specific accused and it appears difficult to believe that all 7 accused can utter the alleged words in chorus. True it is that alleged utterances have taken place in public view. However, it

becomes difficult to hold that any *prima facie* case is made out against particular Appellant with regard to caste based utterances, in the FIR.

4) The Appellants are on interim protection, granted by this Court vide order dated 17 April 2024. Mr. Thobde would submit that Appellants remained present before the Investigating Officer as directed by this Court and have co-operated with the investigations. However, for unknown reasons, the charge-sheet is apparently not filed against the present Appellants. In that view of the matter, interim protection granted in favour of the Appellants deserves to be made absolute in view of the fact that *prima facie* case of the commission of offence under SCST Act is not disclosed. Appeal accordingly, succeeds and I proceed to pass following order:-

- (i) Orders dated 4 March 2024 passed by the learned Special Judge, Solapur, are set aside.
- (ii) Interim protection granted by this Court in favour of the Appellants is made absolute.
- (iii) Appellants shall not contact the Complainant or any other witnesses associated with the case nor shall tamper with the evidence.
- (iv) The Appellants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.
- (v) Appellants to attend each date of hearing.

5) With the above directions, the Appeals are allowed and disposed of.

[SANDEEP V. MARNE, J.]