

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.682 OF 2024

1. Vishal Dattatray Jadhav
2. Shivam Dattatray Jadhav
3. Ajinkya Jijaba Jadhav
4. Akash @ Akshay Jijaba Jadhav

...Appellants

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Prashant P. Raul *i/b. Mr. Pratik Deshmukh for the Appellants.*

Ms. Shilpa G. Talhar, *APP for Respondent No.1-State.*

Mr. Swaraj Jadhav *for Respondent No.2.*

Mr. S.B. Kudane, PC, Satara Taluka Police Station, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 15 October 2024.

P.C. :

1) This Appeal is filed under the provisions of Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act) challenging the order dated 27 June 2024 passed by the learned Additional Sessions Judge, Satara, rejecting application filed by the Appellants seeking pre-arrest bail in connection with C.R. No.218 of 2024 registered with Satara Taluka Police Station, District-Satara for the offences punishable under Sections 323, 329 and 506 r/w 34 of the Indian Penal Code, 1860. It

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appears that by a subsequent report submitted by Assistant Police Inspector dated 21 May 2024 provisions of Sections 3(1)(r)(s), 3(2)(v),, 3(2)(va) and 6 of the SCST Act are added.

2) The Appellants are already granted interim protection by this Court by order dated 5 July 2024 and while granting interim protection this Court has observed that there is no reference in the statement of the First Informant about hurling of abuses by the Appellants with reference to caste. Though the allegations relating to caste-based utterances are added in the report dated 21 May 2024, the said utterances are ascribed only to original accused No.2, who has already been arrested and released on regular bail.

3) Mr. Swaraj Jadhav, the learned counsel appointed by this Court to represent Respondent No.2 has been heard. I have also heard Ms. Shilpa Talhar, for Respondent No.1-State.

4) Considering the position that the caste-based utterances are not ascribed to the present Appellants, the bar under the provisions of Section 18 of the SCST Act would not be attracted in the present case. This also appears to be a case of cross FIR and it appears that this Court has already granted anticipatory bail to the accused from the opposite group in ***Suraj Mohan Gade and others V/s. The State of Maharashtra,(Anticipatory Bail Application No.1998 of 2024 decided on 9 August 2024)***. In that view of the matter, interim protection granted in favour of the Appellants deserves to be made absolute. I accordingly proceed to pass the following order:-

- (i) Order dated 27 June 2024 passed by the learned learned Additional Sessions Judge, Satara, is set aside.
 - (ii) Interim protection granted in favour of the Appellants on 5 July 2024 is made absolute.
 - (iii) The Appellants shall not contact Complainant or any other witnesses associated with the case nor shall tamper with the evidence.
 - (iv) The Appellants shall attend the Trial Court regularly unless exempted from personal appearance.
 - (v) The Appellants shall co-operate with the Investigating Officer for conduct of any further investigation.
- 5) Criminal Appeal is accordingly allowed and disposed of.

[SANDEEP V. MARNE, J.]