



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

**CRIMINAL APPEAL NO. 676 OF 2019**

1] RAMDAS MURLIDHAR MEDANKAR  
2] SANKET RAMDAS MEDANKAR ..APPELLANTS  
VS.  
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

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Adv. Suyash N. Khose a/w Adv. Vipul E. Gunjal for the  
Appellants.

Adv. Yashpal Thaker for Respondent No.2.

Mr. S.H. Yadav, APP for the State.

C.R. Markhande, PSI, Police Station Chakan.  
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**CORAM : M. S. KARNIK, J.**

**DATE : MARCH 05, 2024**

**ORAL JUDGMENT:**

1. Heard learned counsel for the appellants, learned counsel for respondent No.2 and learned APP for the State.
2. By this appeal, the appellants challenge the order dated 23/04/2019 passed by the trial Court rejecting the application for pre-arrest bail and pray that they be enlarged on bail in connection with the First Information Report bearing C.R. No. 470/2019 dated 13/03/2019 registered with Chakan Police Station, Pune for the offence punishable under

Sections 420, 323, 504, 506, 509 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(iv)(j) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("Atrocities Act" for short).

**3.** It is submitted that during the pendency of this appeal, appellant No.1 died. It is the case of the prosecution that the complainant obtained contract of collection of garbage from Grampanchayat Medankarwadi for the period between 01/05/2018 to 31/07/2018. For this work, the complainant was to get an amount of Rs.1,80,000/- from the said Grampanchayat. Appellant No.1's daughter Priyanka Ramdas Medankar was the Sarpanch of the Grampanchayat. Appellant No.1 under the pretext that the said contract would be continued in favour of the complainant, collected a sum of Rs.7,20,000/- from the complainant and assured her that the said amount would be repaid within a reasonable time. The complainant's contract was discontinued and therefore, she demanded the said amount of Rs.7,20,000/- from the appellant No.1. The complainant was threatened by appellant No.1 from time to time when asked for the refund. Appellant

No.1 was not willing to repay the said amount. So far as appellant No.2 is concerned, the only allegation against him is that on 07/03/2019 at about 9.00 p.m. when the complainant and her husband were proceeding near Vijay Oil Mill, appellant No.2 used abusive words against them. It is further alleged that appellant No.2 assaulted the complainant and her husband with a wooden log.

**4.** Learned APP as well as learned counsel for respondent No.2 opposed the appeal.

**5.** The allegations are mainly against appellant No.1. There are no specific allegations about the nature of the abuse used in the name of the caste by the appellant No.2. There are no witnesses to the said incident. The complainant and her husband have suffered simple injuries. I am informed that the charge-sheet is filed. Considering the nature of the allegations, in the facts and circumstances of the present case, *prima facie*, the bar under Section 18 of the Atrocities Act will not apply. I am inclined to grant pre-arrest bail to appellant No.2.

**6.** My attention is invited to the order dated 27/01/2020

passed by this Court in Interim Application No. 1 of 2019. It is stated that the appellants have deposited without prejudice a sum of Rs.6,20,000/- as mentioned in the charge-sheet in this Court. The said amount so deposited along with accrued interest thereon to be transferred to the trial Court. It is open for the complainant to make an appropriate application to the trial Court to withdraw the said amount which application shall be considered on its own merits and in accordance with law.

**7.** One aspect needs to be noticed. The Hon'ble Supreme Court while remitting this matter by the order dated 19/04/2021 had observed that the original complainant was afforded police protection and one of the submissions advanced by the complainant was that such police protection be continued. The Hon'ble Supreme Court left this issue to the concerned authorities to consider and to be done purely on merits. Needless to mention, it is always open for the complainant to apply to the concerned authorities for police protection, which application shall be considered on its own merits and in accordance with law.

**8.** In this view of the matter, the appeal is allowed. The interim order stands confirmed.

**9.** In the event of the arrest of appellant No.2 - Sanket Ramdas Medankar in connection with C.R. No.470 of 2019 registered with Chakan Police Station, he shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

**10.** Appellant No.2 to cooperate with the investigation and the trial Court.

**11.** Appellant No.2 shall attend the trial regularly and shall not seek unnecessary adjournments.

**12.** The appellant shall not threaten or intimidate the complainant and shall not tamper with evidence.

**13.** It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made hereinabove.

**14.** The appeal stands disposed of accordingly.

**(M. S. KARNIK, J.)**