

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1200 OF 2023

Nadeem Mansoor Khan

...Appellant

vs.

State of Maharashtra and Anr.

...Respondents

Mr. Piyush Toshnival i/b. Mr. Pratik Kalantri:	Advocate for Appellant.
Mr. Pratik Kalantri:	Advocate for Appellant through VC.
Mr. Y.Y. Dabke:	APP for State.
Ms. Anjali Sukumaran h/f. Ms. Apoorva L. Thakre:	Appointed Advocate for Respondent No.2.
PSI D.Y. Kushare:	Kasara Police Station present.

CORAM : S. M. MODAK, J.
DATE : 17th APRIL 2024

P. C. :-

1. In fact, learned Advocate Shri Piyush Toshnival holding for learned Advocate Shri Kalantri is praying for adjournment because learned Advocate Shri Kalantri is not present today. Even learned appointed Advocate Ms. Apoorva Thakre is also not present due to her personal difficulty as told by her colleague Ms. Anjali Sukumaran.

2. It is true that for expeditious disposal of the Bail Applications,

these matters are assigned to a Judge who has passed interim order. When I have seen the papers, it is noticed that interim protection is granted on 30th November 2023 and one of the consideration is filing of charge-sheet as it is reflected in paragraph 5 of the interim order.

3. The officer from Kasara Police Station is present. Learned APP tried to submit that offence is serious and he tried to explain how the Applicant committed the offence under Sections 376, 506 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(1)(W)(i)(ii), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. While granting interim protection normal condition of attendance was not given because at that time he was already under arrest in connection with C.R.No.224 of 2023 registered with Shahapur Police Station. Now he is released on bail in that offence as per order dated 28th February 2024 passed by the Court of Additional Sessions Judge, Kalyan. Learned Advocate for the Appellant pointed out to me that charge-sheet in the present Kasara offence is filed on 17th August 2023 earlier to rejection of his anticipatory bail application by the Sessions Court. It means Police were convinced that custodial

interrogation of the Appellant is not required.

5. Even though it may be true that offences are under SC/ST Act, the Court has also to consider the fact that charge-sheet is already filed. So even if the anticipatory bail application is rejected it will facilitate arrest of the accused and if arrested what they are going to interrogate with the Applicant is their issue. Learned APP pointed out that medical examination is necessary. He is right. For that purpose attendance condition can be granted. Hence, the following order:-

ORDER

- (i) Interim protection granted on 30th November 2023 is confirmed.
- (ii) Let him furnish bail as directed in that order if he has already not furnished bail.
- (iii) Let him attend Kasara Police Station on 24th April 2024 and on 8th May 2024 between 10.00 am to 12.00 noon and to co-operate the Police as and when required.
- (iv) Appeal is disposed of.

[S. M. MODAK, J.]