



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

**CRIMINAL APPEAL NO. 1258 OF 2023
WITH
INTERIM APPLICATION NO. 4270 OF 2023**

MAYUR RAJENDRA LAD .. APPELLANT
VS.
STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Prashant C. Mohite for the appellant.
Mr. Ajinkya Udane i/b Ms. Priyanka Chavan, for Respondent No.2.
Smt. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 6, 2024

JUDGMENT :

1. Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned APP for the State.
2. This is an appeal for quashing and setting aside the order below Exhibit 1 dated 10/11/2023 passed by the Additional Sessions Judge, Kalyan in Anticipatory Bail Application No. 2021 of 2023 in respect of the offence punishable under Sections 324, 323, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 and under sections 3(1)(r), 3(1)(s), 3(1)(y) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 (for short, “the Atrocities Act”) registered on 07/03/2023 vide C.R. No. 70 of 2023 with Badlapur Police Station. The appellant is the accused no.5.

3. It is submitted by learned APP and learned counsel Shri Udane that the offences are serious and that the appellant was part of a group that assaulted the complainant and other witnesses during Holi festivities. There was some altercation which took place on 06/03/2023. It is the allegation that one of the accused abused the complainant in the name of his caste. The accused assaulted the complainant and other witnesses. The injuries are simple in nature. So far as the accusations in the name of caste is concerned, the same is attributed to co-accused-Dnyaneshwar. There is no recovery from the present appellant. The appellant has joined investigation. In my opinion, bar under section 18 of the Atrocities Act will not apply in the present case. The investigation is complete. The charge-sheet has been filed. The appeal can be allowed. There are no criminal antecedents reported against the appellant. Hence, the following order :-

ORDER

(a) The appeal is allowed.

(b) The impugned order below Exhibit 1 dated 10/11/2023 passed by the Additional Sessions Judge, Kalyan in Anticipatory Bail Application No. 2021 of 2023 is quashed and set aside.

(c) In the event of arrest of the appellant- Mayur Rajendra Lad in connection with C.R. No.70 of 2023 registered with Badlapur Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(d) The appellant shall attend the Investigating Officer of Badlapur police station as and when called and co-operate with the investigation.

(e) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The appellant shall not tamper with evidence.

(f) On being released on bail, the appellant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(i) The appellant shall attend the trial regularly.

4. The appeal is disposed of. Interim application also stands disposed of.

5. I appreciate the valuable assistance rendered by Mr.Ajinkya Udane, the learned Advocate, who appeared on behalf of respondent No.2 at my request in this proceeding. His engagement be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)