



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

CRIMINAL APPEAL NO. 1413 OF 2023

1] KHURSHID HABIB SHAIKH
2] RAMJANBI W/O ABDUL CHAKDI
3] AKBAR S/O ABDUL CHAKDI ..APPELLANTS

VS.

THE STATE OF MAHARASHTRA AND
ANR. ..RESPONDENTS

Adv. Omkar A. Mane for the Appellants.

Adv. Sushan Mhatre for Respondent No.2.

Ms. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 26, 2024

P.C. :

1. Heard learned counsel for the appellants, learned APP for the State and learned counsel for respondent No.2.

2. By the present appeal, the appellants pray for pre-arrest bail in connection with C.R. No. 660 of 2023 registered with Faujdar Chawadi Police Station for the offence punishable under sections 143, 147, 149, 323 and 504 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("Atrocities Act" for

short).

3. The allegation is that the complainant wanted to organise a social function. The appellants and other accused were against the holding of the said function. It is alleged that the appellants and other accused assaulted the complainant with wooden log and sticks. It is alleged that the accused have abused the complainant in the name of his caste.

4. Learned APP and learned counsel appointed on behalf of respondent No.2/complainant opposed the appeal. It is submitted that the appellants were part of an unlawful assembly that tried to prevent the complainant from organising a legitimate function which was his right.

5. According to the learned counsel for the appellants, the appellants have already attended the Investigating Officer vide order dated 22/12/2023. So far as the appellants are concerned, the allegations appear to be general in nature. Caste-based abuse is attributed to other accused. Considering the nature of the allegations and that the caste-based abuse is not attributed to the present

appellants, I am inclined to allow the present appeal. The bar under Section 18 of the Atrocities Act is not attracted.

6. The interim order dated 22/12/2023 stands confirmed.

7. In the event of arrest of the appellants in connection with C.R. No. 660 of 2023 registered with Faujdar Chawadi Police Station, the appellants be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/- each with one or more sureties each in the like amount.

8. The appellants to attend the Investigating Officer as and when called and co-operate with the investigation.

9. The appeal stands disposed of in the above terms.

(M. S. KARNIK, J.)