

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 432 OF 2024**

Manoj Somanna Gavali	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Mahendra N. Sandhyanshiv for applicant.

Mr. Kiran C. Shinde, APP for respondent No.1-State.

Mr. Dilip Dattatray Auti, PSI, Malegaon Camp Police Station, District Nashik Rural.

**CORAM : MANISH PITALE, J.
DATE : 11th NOVEMBER, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent No.1-State.

2. In this application, which was earlier filed as an appeal under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act), on 22.01.2021, this Court (Coram: A. S. Gadkari, J) granted interim relief in favour of the applicant on specific conditions, including a direction to attend the police station and to join the process of investigation.

3. Subsequently, the appeal was converted into the present application and it has remained pending, with interim relief operating in favour of the applicant.

4. The learned counsel for the applicant submitted that this Court may consider allowing the present application because the applicant has abided by the conditions imposed by this Court and also co-operated with the investigation. This Court is further informed that the chargesheet has been already filed in the present case.

5. There is nothing to indicate that the applicant has failed to abide by the specific conditions in the interim order dated 22.01.2021.

6. This Court has further perused the statement of the informant dated 06.08.2018, leading to registration of FIR. *Prima facie*, the allegations regarding offences under the SCST Act and even under the Protection of Children from Sexual Offences Act, 2012, do not appear to be made specifically against the applicant. A perusal of the statement shows that with regard to the second part of the incident, even the presence of the applicant is not mentioned. As regards the first part of the incident, although the name of the applicant is mentioned, specific overt act is not attributed to him with regard to the said statutes or even with regard to the assault being made against the victim. In view of the above, the application deserves to be allowed.

7. Accordingly, the interim order dated 22.01.2021 is confirmed and the application is allowed.

(MANISH PITALE, J)