



Diksha Rane

903. APEAL 68-24.doc

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

CRIMINAL APPEAL NO.68/2024

ANIL MARUTI BANDE

..APPELLANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Suyash Khose for the applicant.
Smt. S. D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 24, 2024.

P.C. :

1. Heard learned counsel for the appellant and learned APP for the State.

2. This is an appeal filed by the appellant challenging the order dated 18/1/2024 passed by the Special Judge, Pune, rejecting the application for pre-arrest bail for the offence punishable under Sections 323, 504, 506 read with Section 34 of the Indian Penal Code (IPC) and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is alleged by the complainant that the complainant is working as Supervisor in Y. B. Shinde Infra Pvt. Ltd. On

14/12/2023, at about 4.30 p.m., the complainant and one Wasim Sayed Sayyed were at Kachara Depot Shirur. It is alleged that the elder brother of Wasim Sayyed that is Aslam Sayyed is facing allegation of rape in respect of a complaint filed by the daughter of complainant's cousin brother. The brother of Wasim Sayyed against whom there is a criminal case pending, is alleged to have accompanied the appellant. It is alleged that the appellant and Aslam Sayyed abused and assaulted the complainant. There is previous enmity between the appellant and the complainant. It is the submission of learned counsel for the appellant that the possibility of false implication cannot be ruled out.

4. Learned APP seeks time to take instructions.

5. Issue notice to the respondent no.2, returnable on 27/2/2024. Learned APP waives service of notice on behalf of the State. The Investigating Officer to inform the respondent no. 2 the next date of hearing and that he has a right to be represented by the advocate or through legal aid.

6. In the meantime, the appellant needs to be protected by an interim order.

7. In the event of arrest of the appellant, he shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

8. The appellant shall report to the investigating officer on 1st and 2nd February, 2024 between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called and co-operate with the investigation.

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

10. Stand over to **27/2/2024**.

(M. S. KARNIK, J.)