

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

CRIMINAL APPEAL NO. 68 OF 2024

Anil Maruti Bande

....Appellant

: *Versus* :

State of Maharashtra & Anr.

....Respondents

**AND
CRIMINAL APPEAL NO. 69 OF 2024**

Mahibub J. Sayyad

....Appellant

: *Versus* :

State of Maharashtra & Anr.

....Respondents

Mr. Siddharth N. Sutaria *i/by. Mr. Suyash N. Khose, for the Appellant.*

Ms. Shilpa G. Talhar, *APP for Respondent No.1-State.*

Ms. Shivani Kondekar, Advocate appointed for Respondent No.2.

GPSI, Mr. M.B. Mandge from Shirur Police Station present.

CORAM : SANDEEP V. MARNE, J.

Dated : 4 September 2024.

P.C. :

1) These Appeals are filed under Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging order dated 18 January 2024 passed by the learned Special Judge, Pune rejecting the applications for pre-arrest

bail filed by the Applicants in connection with C.R. No.1350/2023 registered at Shirur Police Station, Pune for the offences punishable under Sections 323, 504 and 506 of the Indian Penal Code (**IPC**) and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of The Scheduled Castes & Schedules Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**).

2) I have heard Mr. Sutaria, the learned counsel appearing for the Appellants, Ms. Kondekar, learned counsel appearing for Respondent No.2-Complainant, being appointed from the panel of legal aid and Ms. Talhar, learned APP for State.

3) The Appellants are granted interim protection by this Court by order dated 24 January 2024, in which this Court has made following observations :

(Cri.Appeal No.68/2024)

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 complaint'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 the learned counsel for the appellant that the possibility of false implication cannot be ruled out.

(Cri.Appeal No.69/2024)

3. So far as the appellant is concerned, reading of the complaint would reveal that no specific words are indicated in respect of the abuse. The complainant only alleges that the appellant abused him in the name of his caste.

4) Ms. Talhar would submit that investigations into the crime are complete and chargesheet has already been filed. She would further clarify that the custodial interrogation of the Appellants at this stage may not be necessary. In that view of the matter, interim protection granted in favour of the Appellants deserves to be made absolute. I accordingly proceed to pass the following order :

(i) Order dated 18 January 2024 passed by the learned Special Judge, Pune is set aside.

(ii) Interim protection granted in favour of the Appellants by order dated 24 January 2024 is made absolute subject to the condition that the Appellants shall attend each date of hearing before the Trial Court, unless exempted.

(iii) Rest of the conditions as contained in the order dated 24 January 2024 shall remain the same.

5) With the above directions, the Appeals are **allowed and disposed of.**

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[SANDEEP V. MARNE, J.]