



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

APPEAL NO. 88 OF 2024

Balram Babaso Korvi and ors. ..Appellants
VS.
The State of Maharashtra and anr. ..Respondents

**WITH
APPEAL NO. 89 OF 2024**

Sampat Hanmant Korvi ..Appellant
VS.
The State of Maharashtra and anr. ..Respondents

Mr.Dhairyasheel Sutar a/w Ms.Anjali Shaw, Mr. Kiran Kulkarni, Mr. Deepak Jain, for the Appellants.
Ms. S. D. Shinde, APP for the State IN APPEAL/88/2024
Mr. S. H. Yadav, APP for the State in APPEAL/89/2024.

CORAM : M. S. KARNIK, J.

DATE : 01st FEBRUARY, 2024

P.C. :

1. Heard learned counsel for the appellants and learned APP. The FIR is lodged by the complainant on 31/12/2023 for the offences punishable under sections 3(1)(r)(s), 2(Va) & section 6 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Atrocities Act") and under section 323, 324, 504, 503, 506 read with 34 of the Indian Penal Code, 1860. Though the incident is dated 30/12/2023, the FIR was lodged on 31/12/2023. In

the FIR, there was no mention about abuse in the name of caste of the complainant. In the supplementary statement dated 05/01/2024, it is alleged that the appellants abused the complainant in the name of her caste. Learned counsel for the appellants submitted that the allegations about the caste based abuse are false and made as an after thought. There are ongoing property disputes between the appellants and the complainant. It is also seen that there is a cross case filed by the appellants against the complainant.

2. In this view of the matter, issue notice to the respondent no.2, returnable on 28/02/2024. Learned APP waives service of notice for respondent no. 1-State.

3. The investigating officer to inform the complainant that she has a right to be legally represented in this proceedings through her counsel or through a counsel appointed by Legal Aid Services Authority, if she so desires.

4. The appellants need to be protected by an interim order in the meantime. Hence, the following order.

ORDER

(a) In the event of arrest in connection with C.R.No. 240 of 2023 registered with Hupri police station,

Kolhapur, the appellants- Balram Babaso Korvi, Lakhn Sampat Korvi, Tulsidas Babaso Korvi and Sampat Hanmant Korvi shall be released on bail on furnishing P.R. bonds to the extent of Rs.10,000/- each with one or more sureties of the like amount.

(b) The appellants shall co-operate with the investigation.

5. Stand over to 28/02/2024.

(M. S. KARNIK, J.)