

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

CRIMINAL APPEAL NO. 134 OF 2024

Mayuri Mahesh Kushte	...Appellant
vs.	
The State of Maharashtra & Anr.	...Respondents

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Mr. Balwant V. Salunkhe i/b Mr. D.N. Gondhali, *for the Appellant.*
Ms. Shilpa G. Talhar, APP, *for Respondent No.1/State.*
Ms. Priyanka H. Chavan *appointed Advocate for Respondent No.2.*

Mr. Ramesh Sangle, PSI, ACP Office, Panvel.

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CORAM : SANDEEP V. MARNE, J.
DATE : 2 JULY 2024

P.C.:

1 This Appeal is filed under the provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 6 January 2024 passed by the Additional Sessions Judge, Panvel-Raigad, rejecting application filed by the Appellant for pre-arrest bail in connection with CR No.311 of 2023 registered with Kalamboli Police Station under sections 323, 504 of the Indian Penal Code, sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC & ST Act and as per section 438 of the Code of Criminal Procedure, 1973.

2 I have heard Mr. Salunkhe, the learned counsel appearing for the Appellant, Ms. Chavan, the learned counsel appointed by the Court to represent Respondent No.2 and Ms. Talhar, the learned APP appearing for Respondent No.1/State.

3 The FIR is lodged in connection with altercations that has taken place on 7 November 2023 in which co-accused Sanjana Patil and Appellant's minor daughter Pratiksha Kushte allegedly assaulted and abused the Complainant. So far as role of Appellant is concerned it appears that the same is restricted to abuse with reference to her caste. That the incident is of 7 November 2023 and there appears to be considerable delay in lodging the same. It appears that immediately after the incident of 7 November 2023 complaint for non-cognizable offence was registered with police station on 8 November 2023 and narration of the complaint does not indicate allegation of abuse by Appellant with reference to the caste of the complainant. This sought to be explained by Ms. Talhar by referring to a Complaint made by Respondent No.2 about non-registration of proper FIR in respect of the incident dated 7 November 2023. Be that as it may. There appears to be considerable delay in lodging the FIR, which has given rise to a speculation that the allegation of abuse with reference to caste has been subsequently added.

4 It appears that the co-accused Sanjana Patil already arrested and released on bail. Against the Appellant, there is no allegation of assault. In pursuance of the order passed by this Court, the Appellant has attended the police station on 24, 25 and 26 June 2024 and has co-operated with the police for completion of investigation. Ms. Talhar would submit that the investigation into crime are already completed. Appellant is under interim protection granted by this Court since 12 February 2024. In my view therefore this is a fit case where the interim protection granted in favour of the Appellant deserves to be made absolute.

5 The Appeal accordingly succeeds. Order dated 6 January 2024 passed by the Additional Sessions Judge, Panvel is set aside and interim protection granted in favour of the Appellant by order dated 12 February 2022 is made absolute subject to the following conditions:

(a) Appellant shall attend Trial Court regularly unless exempted from personal appearance.

(b) Appellant shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

6 With the above directions, the Appeal is **allowed and disposed of**.

(SANDEEP V. MARNE, J.)

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