

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

CRIMINAL APPEAL NO.149 OF 2024

Kumar Ashok Chavan

...Appellant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Kedar J. Patil with *Mr. Pratik G. Tare, Ms Sakshi Kadam and Mr. Sachin Mane for Appellant.*

Ms Shilpa K. Gajare, *APP for Respondent No.1-State.*

Mr. Sakshat Relekar, *appointed Advocate for Respondent No.2.*

CORAM : SANDEEP V. MARNE, J.

DATED : 20 JUNE 2024.

PC:

1. This is an appeal under the provisions of Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenging order dated 5 February 2024 passed by the learned Special Court, Ichalkaranji, rejecting the application filed by the Appellant for anticipatory bail.

2. I have gone through the FIR and I have the learned counsel appearing for the Appellant, the learned counsel appearing for Respondent No.2 and the learned APP.

3. The FIR contains the allegation that the concerned abuses and threats were given by the accused to Mr. Kamble on mobile phone. The learned APP would seek time to produce transcript of conversation, which has been recorded on mobile phone. However, upon being queried as to whether the conversation was heard by any third party apart from the caller and recipient of the call, she would submit that statements of other persons are not recorded. Therefore, whether the concerned words are uttered in public view, needs to be determined.

4. It appears that investigation in the crime is completed and the charge-sheet is filed on 20 March 2024. The police have recovered the concerned mobile and have sent the conversation for preparation of transcript. The Appellant is under interim protection granted by this Court on 16 February 2024, which reads thus:-

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

2. The date of the First Information Report (FIR) is 23/1/2024 registered with Hatkanangle Police Station, Kolhapur, vide C.R.No.50/2024 for the offence punishable under Sections 504, 506, 509 of the Indian Penal Code (hereafter ‘IPC’ for short) read with Sections 3(1)(u), 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter ‘the Atrocities Act’ for short).

3. The contention of learned counsel for the appellant is that the FIR is outcome of the political rivalry between two

political factions of the area. It is further submitted that the incident did not happen in public place and in public view.

4. Issue notice to the respondent no.2, returnable on 7/3/2024. 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 an advocate or through legal aid.

5. The appellant needs to be protected by an interim order. In the event of arrest in connection with C.R. No. 50/2024 registered with Hatkanangle Police Station, Kolhapur, the appellant shall be released on bail on furnishing P.R. bond to the extent of Rs.15,000/- with one or more sureties of the like amount.

6. The appellant shall attend the Investigating Officer of Hatkanangle Police Station, Kolhapur, on 22nd and 23rd February, 2024, between 11.00 a.m. and 12.00 noon.

7. The appellant shall co-operate with the investigation.

8. Stand over to 7/3/2024.”

5. Considering the above position, in my view this is a fit case where the interim protection granted in favour of the Appellant is made absolute.

6. The appeal accordingly succeeds. Order dated 5 February 2024 passed by the Special Court, Ichalkaranji, is set aside. Interim protection granted by this Court in favour of the Appellant on 16 February 2024 is made absolute. Appeal is accordingly disposed of.

[SANDEEP V. MARNE, J.]