

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

CRIMINAL APPEAL NO. 165 OF 2024

Dinkar Govind Kotkar

....Appellant

: Versus :

The State of Maharashtra & Anr.

....Respondents

Mr. Nilesh Nidhalkar, for the Appellant.

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

Ms. Shalini Shankar, for Respondent No.2.

Mr. Kiran M.Lite, Police Sub-Inspector from Sinhgad Police Station present.

CORAM : SANDEEP V. MARNE, J.

Dated : 9 September 2024.

P.C. :

1) This is an Appeal filed under Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging the order dated 16 January 2024 passed by the learned Special Judge, Pune rejecting the application of the Appellant for pre-arrest bail in connection with Crime No. 562/2023 registered with Sinhgad Police Station, Pune for the offences punishable under Sections 498A, 323, 504 and 506 of the India Penal Code (**IPC**) and Sections 3(1)(a), 3(1)(r) and 6 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities Act), 1989 (**SCST Act**).

2) I have heard Mr. Nidhalkar, the learned counsel appearing for the Applicant, Ms. Shalini Shankar, the learned counsel appointed by this

Court to represent Respondent No.2 and Ms. Talhar, the learned APP appearing for State.

3) Appellant is already on interim protection granted by this Court by order dated 28 February 2024. While granting interim protection, this Court had observed *prima-facie* that the complaint is lodged on account of matrimonial disputes between the parties. Perusal of the FIR statement would indicate that there is no reference to the dates on which various acts are allegedly committed by the Appellant. The complaint is in respect of series of events that have taken place during the matrimonial life of the couple during the year 2000 till the lodging of the FIR. The investigations into the crime are already complete and the police have already filed the chargesheet. It appears that the Appellant has remained present before the Investigating Officer for completion of investigations as directed by this Court vide order dated 28 February 2024. Various alleged incidents have occurred between the couple inside their house and it is difficult to *prima-facie* hold that the same have taken place in public view. Therefore, *prima-facie* the bar under the provisions of Section 18 of the SCST Act would not apply to the present case. In that view of the matter, interim protection granted in favour of the Appellant deserves to be made absolute.

4) I accordingly proceed to pass the following order :

(i) The order dated 16 January 2024 passed by the learned Special Judge is set aside.

(ii) Interim protection granted in favour of the Appellant by order dated 28 February 2024 is made **absolute** subject to the following conditions :

(a) The Appellant shall remain present before the Investigating Officer, as and when summoned for further

investigations and co-operate in the conduct of investigation.

(b)Appellant shall attend each date of hearing before the Trial Court, unless exempted.

(c)Appellant shall not contact the Complainant or any other witness associated with the case nor shall tamper with the evidence.

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

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[SANDEEP V. MARNE, J.]