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

CRIMINAL APPEAL NO.174 OF 2024

ALTAPH AHMED SHAIKH

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Ranjeet H. Patil i/b. Adv. Prashant S. Hagare for the
appellant.

Smt. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 2024.

P.C. :

1. Leave to amend. Amendment to be carried out
forthwith.

2. Heard learned counsel for the appellant and learned
APP for the State.

3. This is an appeal for quashing and setting aside the
impugned order dated 09.01.2024 rejecting the anticipatory
bail application passed by the Additional Sessions Judge,
Baramati, District Pune in connection with C.R. No.775 of
2023 registered with Walchandnagar Police Station, Taluka
Indapur, District Pune for the offences punishable under
Sections 143, 147, 148, 307, 353, 341, 324, 323, 504, 506,

149 of the Indian Penal Code, under Sections 3(1)(r), 3(2) (v), 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter "Atrocities Act", for short), under Section 135 of Maharashtra Police Act and under Section 4, 25 of Arms Act.

4. The complainant is a Sarpanch of Gram Panchayat Anthurne. The incident is dated 20.10.2023. The FIR was registered on 21.10.2023. The allegation is that the appellant was annoyed with the Sarpanch as some structures which were put up by the appellant which according to the Sarpanch were encroachment, came to be removed. The appellant therefore went to the office of the complainant along with the other accused. There is a delay in registering the statement of the independent witness. The appellant and the other accused assaulted the brother of the complainant. There is a reference to the abuse in the name of caste. *Prima facie* it appears that there were some disputes between the complainant and the appellant. It is therefore contended that the possibility of false implication for the offence under the Atrocities Act cannot be ruled out.

- 5.** Issue notice to the respondent No.2, returnable on 14.03.2024. 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 the advocate or through legal aid.
- 6.** The appellant needs to be protected by an interim order in the meantime.
- 7.** In the event of arrest of the appellant, the appellant shall be enlarged on bail on his furnishing P.R. bond of Rs.15,000/- with one or more sureties in the like amount.
- 8.** The appellant shall report to the Investigating Officer of the concerned Police Station on 27.02.2024 and 28.02.2024 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.
- 9.** The appellant to co-operate with the investigation.
- 10.** Stand over to **14.03.2024**.

(M. S. KARNIK, J.)