

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 243 OF 2024

Vasudev Rama Gaikar

... Appellant

Versus

The State of Maharashtra And Anr

... Respondents

Mr. Rohan Hogle *for the Appellant.*

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

Mr. Rajabhau S. Chaudhari *for Respondent No.2.*

Mr. S. V. Shingate, PSI Mahatma Phule Chowk, Police Station, Kalyan is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 21 NOVEMBER 2024.

P.C. :

1) This is an Appeal filed under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the Order dated 29 February 2024 passed by the learned Additional Sessions Judge, Kalyan rejecting the Application filed by the Appellant for grant of pre-arrest bail in connection with Crime No.I-690 of 2023 registered with Mahatma Phule Chowk, Police Station, for offences punishable under Sections 504 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of SC & ST Act.

2) Perusal of the FIR statement would indicate that the FIR has been lodged in respect of alleged incident shown to have occurred on 8 December 2022. However, the FIR is registered a year later on 4 December 2023. The FIR apparently stems out of land dispute between the parties. It appears that previously two FIRs are lodged in connection with the same land dispute. In respect of FIR No. 438 of 2023 dated 20 July 2023, there is no reference to the alleged incident of 8 December 2022. It thus appears that the Complainant and her relatives are repeatedly setting criminal law in motion for the purpose of settling the land disputes. It is therefore difficult to believe at this stage that any *prima facie* case of commission of offence under provisions of SC & ST Act is made out. The bar under provisions of Section 18 of the SC & ST Act would therefore not apply. The Appellant is on interim protection granted by Order dated 11 March 2024. He has co-operated with conduct of investigations. Investigations are complete and chargesheet is filed. I do not see any reason why custodial interrogation of the Appellant is warranted at this stage. In that view of the matter, interim protection granted in favour of the Appellant on 11 March 2024 deserves to be made absolute.

3) I accordingly proceed to pass the following order:

a) Order dated 29 February 2024 passed by the Additional Sessions Judge, Kalyan is set aside.

b) Interim protection granted in favour of the Appellant by order dated 11 March 2024 is made absolute subject to following conditions :

- i) Appellant shall attend each date of hearing before the learned Sessions Judge unless exempted from personal appearance.
 - ii) Appellant shall not contact the Complainant or any other witnesses associated with the case nor shall tamper with the evidence.
- 4) With the above directions, the Appeal is **allowed and disposed of**.

[SANDEEP V. MARNE, J.]