

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

CRIMINAL APPEAL NO.251 OF 2024

Atul Anant Patil & Ors.

....Appellants

V/S

The State of Maharashtra

....Respondent

Mr. Anil S. Kamble *for the Appellant.*

Ms. Shilpa G. Talhar, APP *for Respondent /State.*

Mr. Makarand M. Kale *for Complainant.*

Mr. Anil B. Satpute, ASI, SDPO Office Murbad, Thane (Rural) present in Court.

CORAM: SANDEEP V. MARNE, J.

DATE : 24 JUNE 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 27 February 2024 passed by the Additional Sessions Judge, Kalyan, rejecting the prayer of the Appellants for grant of pre-arrest bail. I have gone through the FIR which indicates that the only allegation against the Appellant No.1 is about commission of assault on the first informant. However the FIR does not indicate the date on which the alleged assault was committed. Prima facie it appears that the accusation arise out of business relations between the

parties. My attention is invited to the Memorandum of Understanding dated 14 August 2018 executed between the first informant and Appellant No.1. So far as the allegations in the last part of the FIR are concerned, the same are essentially agreed Deepak Hate and not against the Appellants. In my view therefore a clear case is made out for grant of anticipatory bail in favour of the Appellants.

2 The Appeal is accordingly allowed. The order dated 27 February 2024 passed by the Additional Sessions Judge, Kalyan qua Appellants is set aside. The interim protection granted in favour of the Appellants by order dated 2 April 2024 is made absolute.

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

4 Needless to say that the observations made in the order are prima facie and that the Trial Court shall not be influenced by the same while deciding the case finally.

(SANDEEP V. MARNE, J.)

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