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

CRIMINAL APPEAL NO.268 OF 2024

SURENDRA BHARAT CHOUDHARI AND ANR. ..APPELLANTS
VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. A. M. Saraogi for the appellants.

Ms. Megha S. Bajoria, APP for the State.

ASI – Nitin D. Sawant, Bangur Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : MARCH 15, 2024

P.C. :

1. Heard learned counsel for the appellants and learned APP for the State.

2. This is an appeal for pre-arrest bail in connection with FIR bearing C.R. No.124 of 2023 registered with Bangur Nagar Police Station on 13.03.2023 for the offences punishable under Sections 504, 506 read with 34 of the Indian Penal Code (hereafter "IPC", for short) and under Sections 3(1)(r), 3(1)(s), 3(1)(u) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter "Atrocities Act", for short).

3. The dispute is over the redevelopment of the building. Even according to the complainant he was desirous of contesting the elections and getting elected as a member of the Managing Committee. It is the allegation that the appellant and other members abused him in the name of caste when some portion of the slab of the building collapsed. My attention is invited to the statement of the independent witnesses where the allegations about caste based abuses is not consistent with the complainant. So far as the abuses are concerned, learned counsel for the appellant submitted that the possibility of false implication only because the complainant is aggrieved that he was not inducted as a member of the Managing Committee cannot be ruled out.

4. Learned APP to take instructions.

5. Hence, issue notice to respondent No.2, returnable on 15.04.2024. Learned APP waives service of notice on behalf of respondent No.1.

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 as and when called and co-operate with the investigation.
- 9.** Stand over to **15.04.2024.**

(M. S. KARNIK, J.)