



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

CRIMINAL APPEAL NO. 349 OF 2024

SHAILENDRA DATTATRAY GOLATKAR AND ORS. APPELLANTS
VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. S.S. Redekar, for the appellants.

Mr. B. B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 4, 2024

P.C. :

- 1.** Heard learned counsel for the appellants.
- 2.** This is an appeal for quashing and setting aside the order dated 27/03/2024 passed by the Additional Sessions Judge, Kalyan thereby rejecting the application of the appellants being Exhibit 1 in Anticipatory Bail Application No. 2266 of 2023 in connection with the offence punishable under sections 324, 380, 427, 452, 504, 506 of the Indian Penal Code, 1860 ('IPC', for short) and under sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("the Atrocities Act", for short) registered on 01/12/2023 vide C.R.

No. 308 of 2023 with Badlapur West police station.

3. The complainant is the licensee. Appellant no. 1 is the owner of the premises presently occupied by the respondent no.2. There are cross FIRs. The FIR filed by the appellant no.2 under section 354 of IPC is first in point of time. It is further submitted by learned counsel that there is delay in lodging the FIR.

4. Learned APP made an attempt to point out that the delay in lodging the FIR is properly explained.

5. Having regard to the facts and circumstances of the present case, issue notice to the respondent no.2, returnable on 30/04/2024. Learned APP waives service of notice on behalf of the State. The appellant needs to be protected by an interim order.

6. In the event of arrest in connection with C.R.No.308 of 2023 registered with Badlapur West police station, the appellants-Shailendra Dattatray Golatkar, Namrata Shailendra Golatkar, Amit Ashok Parkar, Vidya Amit Parkar shall be released on bail on their furnishing P.R. bond to the extent of Rs.15,000/- each with one or more sureties of the like amount.

- 7.** The appellants shall report to the investigating officer of the Badlapur West police station on 07/04/2024 between 11.00 a.m. and 1.00 p.m..
- 8.** The appellants to co-operate with the investigation.
- 9.** Stand over to 30/04/2024.

(M. S. KARNIK, J.)