

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

CRIMINAL APPEAL NO.418 OF 2024

Deepak Vitthal Pawar

....Appellant

V/S

The State of Maharashtra & Anr.

....Respondents

Mr. Santosh C. Bhosle *for the Appellant.*

Mr. Anuja S. Gotad, APP *for Respondent No.1 / State.*

Mr. Atharva R. B. i/b Mr. Vaibhav R. Gaikwad *for Respondent No.2.*

Mr. P.N. Jadhav, PSI, Khed Police Station present in Court.

**CORAM: SANDEEP V. MARNE, J.
DATE : 12 NOVEMBER 2024.**

P.C.:

1 This is an Appeal filed under the provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 4 April 2024 passed by the Additional Sessions Judge, Shed-Rajgurunagar, Pune, rejecting the Application filed by the Appellant for grant of pre-arrest bail in connection with Crime No.91 of 2024 registered with Khed Police Station for offences punishable under sections 420, 506, 504 read with section 34 of Indian Penal Code, sections 3(1)(f), 3(1)(g), 3(1)(r), 3(1)(s), 3(2) (va) of SC & ST Act and 7(1)(d) of the Protection of Civil Rights Act.

2 Perusal of the FIR statement would indicate that the FIR is registered with a grievance that the Complainant had intended to sell land bearing Gat Nos.677 and 776 only, whereas the Appellant has got executed sale deed in respect of land at Gat No.33 also. It is contended by the Complainant that she never intended to sell land bearing Gat No.33 to the Appellant. However perusal of the concerned sale deeds would indicate that land bearing Gat Nos.677 and 776 is sold by a separate sale deed and a distinct sale deed is executed in respect of land bearing Gat No.33. The sale deeds bears signatures of Complainant as well as other consenting parties. It is difficult to believe at this stage that the Complainant or consenting parties would not even bother to read the sale deeds or atleast inquire as to why two separate sale deeds were being executed. *Prima facie* therefore this appears to be a pure civil dispute. In view of absence of *prima facie* case, bar under provisions of section 18 of the Act would not apply.

3 Even otherwise the investigations are complete and charge-sheet has been filed. In that view of the matter, custodial interrogation of the Appellant is no longer warranted. Appellant is on interim protection granted by this Court vide order dated 22 April 2024. The said interim protection deserves to be made absolute.

4 I accordingly proceed to pass the following order:

- i) Order dated 4 April 2024 passed by the Additional Sessions Judge, Khed-Rajgurunagar, Pune is set aside.
- ii) Interim protection granted in favour of the Appellant by order dated 22 April 2024 is made absolute.
- iii) Appellant shall not attempt to contact or pressurize the Complainant or any of the witnesses associated with the case in any manner nor shall he tamper with the evidence in the case.
- iv) The Appellant shall remain present on all dates of hearing before the Trial Court unless exempted from personal appearance.

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

(SANDEEP V. MARNE, J.)

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