

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

**CRIMINAL APPEAL NO.457 OF 2024
WITH
INTERIM APPLICATION NO.2392 OF 2024**

**Sanjay Patil
V/S**

State of Maharashtra & Anr.

....Appellant

....Respondents

*Mr. Nitesh Pandey a/w Mr. Anil Pandey for the Appellant.
Ms. Shilpa Gajare-Dhumal, APP for Respondent No.1/State.
Ms. Rshma Rankhambe a/w Mr. S.R. Kamble for Respondent No.2.*

*Mr. P.P. Musale, P.N., Kalyan Taluka Police Station, Thane (R) present
in Court.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 24 JUNE 2024.**

P.C.:

1 This Appeal is filed under provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 2 April 2024 passed by the Additional Sessions Judge, Kalyan rejecting application for anticipatory bail preferred by the Appellant in connection with FIR No.102 lodged in Kalyan Taluka Police Station, Thane (Rural) under sections 3(1)(za)(A), 3(1)(zc), 3(2)(va), 3(1)(r) of SC & ST Act, under sections 323, 504, 506 read with section 34 of the Indian Penal Code.

2 I have heard the learned counsel appearing for the Appellant. The learned counsel appearing for Respondent No.2 and learned APP appearing for the Respondent No.1/State.

3 Prima facie the allegations levelled in the FIR arise out of disputes between the Committee members of the Society and the first informant's husband Ravinda Bansode, who owns a commercial unit in the building of the Society and who is member of the Society. It appears that the Society has adopted a resolution for payment of amount of Rs.2,500/- to the Society in the event of grant of any premises in the Society on leave and license basis. FIR indicates that the dispute has arisen on account of refusal to grant access to the toilet lock in respect of the commercial unit to the husband of the Respondent No.2. In addition to the allegation of assault in the FIR, it is also alleged that some defamatory material was published by the Appellant in respect of the husband of the first informant. However, perusal of the said material would indicate that what is published is merely the Minutes of the concerned meeting in which the issue relating to NOC to Respondent No.2's husband for availing loan was dismissed by the members of the Society.

4 It appears that out of three accused, the two are already granted anticipatory bail by the Additional Sessions Judge, Kalyan. No doubt, there is an allegation of assault by the Appellant. However considering the nature of dispute between the parties and the fact that the Appellant has acted as Secretary of the Society, in my view, the Appellant deserves to be granted protection from arrest.

5 The Appeal accordingly succeeds. Order dated 2 April 2024 passed by the Additional Sessions Judge, Kalyan is set aside.

6 In the event of arrest the Appellant in connected with Crime No.102 of 2024 registered with Kalyan Taluka Police Station under sections 3(1)(za)(A), 3(1)(zc), 3(2)(va), 3(1)(r) of SC & ST Act, under sections 323, 504, 506 read with section 34 of the Indian Penal Code, he would to be released on bail on he furnishing PR and SB of Rs.20,000/-.

7 Appellant shall attend Kalyan Taluka Police Station once a week and shall co-operate with the Investigations till filing of the chargesheet..

8 The Appellant shall not pressurize the informant or other witnesses or shall tamper with the evidence as directly or indirectly.

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

10 In view of the disposal of the Appeal, the Interim Application would not survive and the same is also accordingly disposed of.

(SANDEEP V. MARNE, J.)

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KATKAM
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