

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

CRIMINAL APPEAL NO.474 OF 2024

1. Ajmat Rajjab Khan
2. Dr. Vedprakash Satyanarayan
Tiwari

...Appellants

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Amit S. Rane *for the Appellants.*

Ms Shilpa K. Gajare, *APP for Respondent No.1-State.*

Mr. Amit A. Katarnaware *for Respondent No.2.*

Mr. Bharatkumar Suryawanshi, *ACP, Sakinaka Division.*

CORAM : SANDEEP V. MARNE, J.

DATED : 20 JUNE 2024.

PC:

1. This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenging the order dated 16 April 2024 rejecting the application for anticipatory bail in connection with Crime No.296 of 2024 registered at Sakinaka Police Station, Mumbai, for offences punishable under Sections 406 and 409 r/w 34 of the IPC and Sections 3(1)(q), 3(1)(r), 3(1)(zc), 3(1)(za)(E), 3(2)(va) of

the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST** Act).

2. I have gone through the FIR. Prima facie it appears that the FIR is lodged out of business relations between the First Informant and Appellant No.1 relating to joint business of manufacturing of cake decoration items being conducted by the duo. In addition to the grouse of the Complainant about the unauthorized sale of material amounting to Rs. 9,00,000/- by Appellant No.1 and misappropriation of amount of Rs.6,70,000/- filing of complaints with Food Safety and Standards Authority of India (**FSSAI**) by the Appellant No.1 against the Complainant appears to be the main reason why the FIR appears to have been lodged.

3. Learned counsel for Respondent No.2 would particularly invite my attention to the provisions of Section 3(1)(p) of the SCST Act and would submit that the complaint lodged by Appellant No.1 is found to be false during investigation. He would therefore submit that offence under Section 3(1)(p) of the Act is clearly made out. It appears that in addition to complaint with FSSAI, the Appellant No.2 had also addressed complaint to Municipal Corporation of Greater Mumbai and letter dated 4 December 2023 of Medical Officer 'L' Ward, MCGM indicates that the Complainant was carrying out business without municipal license and that appropriate action has been initiated against him. It is therefore, prima facie questionable as to whether complaints lodged by the Appellants are false, malicious or vexatious within the meaning of Section 3(1)(p) of the SCST

Act. It also appears that Section 3(1)(p) of the SCST Act is not included in the FIR. In my view therefore interim protection deserves to be granted in favour of the Appellants, who shall continue co-operation with the Investigating Officer for completion of investigation.

4. I accordingly proceed to pass the following order:

- (i) In the event of arrest of the Appellants in Crime No.296 of 2024 registered at Sakinaka Police Station, Mumbai, the Appellants shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- (ii) The Appellants shall not pressurise the Complainant by contacting him in direct or indirect manner;
- (iii) The Appellants shall remain present before the Investigating Officer for investigation as and when summoned.
- (iv) The Appellants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

5. List the appeal for further consideration on **22 July 2024**.

[SANDEEP V. MARNE, J.]