

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

CRIMINAL APPEAL NO.494 OF 2024

Harshad @ Harshavardan Ashok Tikote

...Appellant

vs.

The State of Maharashtra & Anr.

...Respondents

....

Mr. Prashant S. Hagare, for the Appellant.

Ms. Shilpa K. Gajare-Dhumal, AGP, for Respondent No.1/State.

Mr. Swaraj Jadhav, appointed for Respondent No.2.

....

CORAM : SANDEEP V. MARNE, J.

DATE : 2 JULY 2024

P.C.:

1 This is an Appeal filed under section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 18 April 2024 passed by Additional Sessions Judge, Baramati, rejecting the Application filed by the Appellant for Anticipatory Bail in connection with Crime No.145 of 2020 registered with Indapur Police Station for offences punishable under sections 143, 147, 148, 149, 307, 323 of the Indian Penal Code, sections 3(1)(r), 3(1)(2), 3(1)(va) of SC & ST Act, section 7(1)(d) of the Protection of Civil Rights Act and sections 4, 25 of the Arms Act, 1959.

2 I have heard Mr. Hagare, the learned counsel appearing for the Appellant, Mr. Jadhav, the learned counsel appointed to represent

Respondent No.2 and Ms. Gajare, the learned APP for the Respondent No.1/State.

3 It appears that the Appellant had previously filed Application for Anticipatory Bail which was rejected by the Additional Sessions Judge, Baramati on 9 October 2020. The said order apparently attained finality and the Appellant did not file Appeal challenging the said order dated 9 October 2020. After lapse of four years, the Appellant filed a fresh Application for Anticipatory Bail on or about 15 April 2024. The said Application is rejected by order dated 18 April 2024.

4 Mr. Hagare would submit that the Appellant was not present at the time of commission of alleged crime and that he was busy with in examination. He would draw my attention to the letter dated 18 January 2023 addressed by Sambhaji Pandharinath Tikote to the Sub Divisional Police Officer, Baramati. He would also rely upon the Hall Ticket issued by the College as well as the relevant images from CCTV footage to demonstrate Appellant's absence from the crime scene. However all this material was relied upon by the Appellant at the time of rejection of his Application for Anticipatory Bail on 9 October 2020. At the time when the order dated 9 October 2020 was passed the charge-sheet was already filed. Thus there is absolutely no change in circumstances after 9 October 2020 on account of which the learned Special Court could have reconsidered the Application for Anticipatory Bail. In my view therefore the learned Special Judge has rightly rejected the second Application for Anticipatory Bail by

order dated 18 April 2024. Mr. Jadhav would invite my attention to the statement of the injured in which Appellant has been named. Furthermore statement of Yogesh Mahesh Tikote clearly indicates the role played by the Appellant at the time of commission of the crime. He would submit that the Hall Ticket does not show that any examination in respect of the Appellant was conducted on 23 February 2020. Therefore the plea of alleged absence of the Appellant from the venue of the crime which was once raised while rejection of first Anticipatory Bail Application on 9 October 2020, does not inspire any confidence.

5 No case is made out for interference in the said order. The Appeal is accordingly rejected.

(SANDEEP V. MARNE, J.)

SUDARSHAN
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