

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 552 OF 2024

Rohit Ankush Patil

... Appellant

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Nilesh Navale *for the Appellant.*

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

Mr. Umar Z. Kazi *(Through V.C.)for Respondent No. 2.*

Mr. P. R. Ghutugade, API, Dombivali Police Station is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 17 DECEMBER 2024.

P.C. :

1) This Appeal is filed under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the Order dated 15 May 2024 passed by the learned Additional Sessions Judge, Kalyan rejecting the application filed by the Appellant for grant of anticipatory bail in connection with C.R. No. I-12 of 2024 registered with Dombivli Police Station for offences punishable under Sections 325, 354, 323, 427, 504 read with Section 34 of the Indian Penal Code and under Sections 3(1)(w)(i) and 3(1)(w)(ii) of the SC & ST Act.

2) I have heard Mr. Navale, the learned counsel appearing for the Appellant, Ms. Gajare-Dhumal, the learned APP appearing for Respondent No.1-State and Mr. Kazi, the learned counsel appearing for Respondent No.2.

3) Perusal of the FIR statement would *prima facie* indicate absence of any caste based utterances. The Complainant himself is not a member of Scheduled Caste or Scheduled Tribes. However, it appears that offences under provisions of Section 3(w)(i) and 3(w)(ii) of the SC and ST Act are added on account of the fact that the wife of the Complainant is a member of scheduled caste. Perusal of the FIR statement *prima facie* does not indicate that the alleged acts are committed by the Appellant with sole intention of humiliating the wife of the Complainant with reference to her caste. There appears to be several cross complaints filed by both the sides against each other. While the Complainant accuses all the three accused of repeatedly threatening him, there are cross FIR lodged from the side of the accused alleging threats given by the Complainant, Rahul Vijay Patil and Vijay Dattu Patil resulting in initiation of prohibitory action under Section 107 of the Code of Criminal Procedure as communicated vide letter dated 7 July 2024.

4) The learned Special Judge has already granted anticipatory bail in favour of Accused No.1-Ujala Ankush Patil and Accused No.2-Amruta Ujala Patil while rejecting the anticipatory bail to the Appellant. Though anticipatory bail granted in favour of Ujala Patil and Amruta Patil was challenged by the Complainant before this Court by filing Appeal No.935 of 2024, this Court has already disposed of the said Appeal by passing a separate order today. So far as the role assigned the Appellant is concerned, the

same appears to be far less severe than the one ascribed to the main Accused - Ujala Patil, who is already granted anticipatory bail by the Special Judge as upheld by the order passed by this Court.

5) The Appellant is on interim protection granted by this Court vide order dated 14 June 2024. Ms. Gajare-Dhumal, would submit that investigations into the crime have been completed and chargesheet has been filed. This Court has directed the Appellant to remain present before the Investigating Officer by order dated 7 August 2024 and to cooperate with conduct of investigations. Now that investigations into the crime are complete, custodial interrogation of the Appellant at this stage is not warranted. In my view, therefore, the interim protection granted in favour of the Appellant deserves to be made absolute.

6) I accordingly proceed to pass the following order:

a) Order dated 15 May 2024 passed by the learned Additional Sessions Judge, Kalyan to the limited extent of rejecting the anticipatory bail to the Appellant is set aside.

b) Interim protection granted in favour of the Appellant by Order dated 14 June 2024 is made absolute.

c) In the event of arrest of Appellant in connection with C.R. No. I-12 of 2024 registered with Dombivli Police Station for offences punishable under Sections 325, 354, 323, 427, 504 read with Section 34 of the

Indian Penal Code and under Sections 3(1)(w)(i) and 3(1)(w)(ii) of the SC & ST Ac, he shall be released on furnishing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

d) Appellant shall attend each date of hearing before the Trial Court regularly unless exempted from personal appearance.

e) The Appellant shall not contact the Complainant or any other witnesses associated with the case nor shall tamper with the evidence.

f) It is clarified that, in the event of, the Appellant being found contacting, pressurizing or threatening the Complainant or his wife or any other witnesses associated with the case, both Complainant as well as prosecution would be at liberty to apply before the learned Special Judge for cancellation of his bail.

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

[SANDEEP V. MARNE, J.]