

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

CRIMINAL APPEAL NO.620 OF 2024

Kumar Shamrao Patil

....Appellant

V/S

The State of Maharashtra & Anr.

....Respondents

Mr. Nilesh Navale *for the Appellant.*

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

Ms. Priyanka Chavan *for Respondent No.2.*

Mr. Milind Bhosale, API, Rebale Police Station, Navi Mumbai.

CORAM: SANDEEP V. MARNE, J.

DATE : 09 DECEMBER 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 24 May 2024 passed by the Additional Sessions Judge, Belapur, rejecting the Application filed by the Appellant for grant of pre-arrest bail in connection with Crime No.218 of 2024 registered with Rabale Police Station for the offences punishable under sections 354, 354B, 509, 323, 504 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of 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-State and Ms. Chavan, the learned counsel appointed by the Court to represent Respondent No.2.

3 *Prima facie* it appears that there are disputes between the parties relating to redevelopment of the Chawl. According to the learned counsel appearing for the Appellant, false FIR is lodged implicating the Appellant on account of disputes relating to the redevelopment of the Chawl at the instance of Shri Vishal Pawar who is hand in gloves with a Developer. It therefore *prima facie* become difficult to believe at this stage that any of the acts alleged in the FIR are committed by the Appellant with the sole intention of humiliating the Complainant with reference to her caste. Even if it is assumed that the incident in question has indeed taken place, it becomes difficult to believe that any caste related angle is involved in the present case. The disputes apparently relate mainly to the redevelopment process. Therefore in absence of *prima facie* case being made out for commission of any offence under SC & ST Act, bar under provisions of section 18 of the SC & ST Act would not be attracted in the present case.

4 The Appellant is on interim protection granted by this Court by order dated 1 July 2024. Appellant has remained present before the Investigating Officer and has co-operated with the investigations. The investigations are almost complete and the charge-sheet is about to be filed. Therefore custodial

interrogation of the Appellant at this stage is not warranted. In my view therefore, the interim protection granted in favour the Appellant deserves to be made absolute.

5 Accordingly I proceed to pass the following order:

i) Order dated 24 May 2024 passed by the learned Additional Sessions Judge, Belapur is set aside.

ii) In the event of arrest of the Appellant, he shall be released on bail in connection with C.R. No.218 of 2024 registered with Rabale Police Station for the offences punishable under sections 354, 354B, 509, 323, 504 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the SC & ST Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

iii) The Appellant shall attend the Trial Court on each and every date of hearing unless exempted from personal appearance.

iv) The Appellant shall not contact the Complainant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

v) The Appellant shall remain present before the Investigating Officer as and when summoned for conduct of further investigations.

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

(SANDEEP V. MARNE, J.)

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by
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KATKAM
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