

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

CRIMINAL APPEAL NO. 621 OF 2024

Mr. Kabir Mohammed Valiakath
V/s.

....Appellant

1. State of Maharashtra
(through Pimpri Police Station)
2. Mrs. Anjana Sachin Gaikwad

....Respondent

Mr. Pranav Pokale *a/w. Mr. Chinmay Sawant, Mr. Imran Mujaawar and Mr. Yuvraj Takle, for the Appellant.*

Ms. Shilpa G. Talhar, *APP for Respondent No.1-State.
PC, Mr. M.A. Shinde from Pimpri Police Station present.*

CORAM : SANDEEP V. MARNE, J.

Dated : 26 June 2024.

P.C. :

1) This is an Appeal filed under the provisions of Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**S.C.S.T. Act**) challenging the order dated 7 May 2024 passed by the Special Judge (Cases under SC & ST (POA Act), Pune rejecting the application for pre-arrest bail in connection with C.R. No.206/2024 for offences punishable under Sections 504, 506 and 509 of the Indian Penal Code and under Sections 3(1)(p), 3(1)(q) of the S.C.S.T. Act.

2) I have heard the learned counsel appearing for the Appellant and the learned APP appearing for Respondent-State.

3) Perusal of the FIR would indicate that the alleged abuses hurled to the accused have occurred in the private office. *Prima-facie*, the FIR does not indicate that the alleged utterances are made in public view. Furthermore, the offence under Section 3(1)(p) is added when infact no suit, criminal or other proceedings is yet lodged by the Appellant against the First Informant. In that view of the matter, the interim protection deserves to be granted to the Appellant.

4) Issue notice to Respondent No.2 returnable on 18 July 2024. In the meantime, the Investigating Officer shall record statement of Respondent No.2 as to whether she proposes to engage private advocate or advocate from the Legal Aid panel. Till then, in the event of arrest of the Appellant in connection with C.R. No.206/2024 for offences punishable under Sections 504, 506 and 509 of the Indian Penal Code and under Sections 3(1)(p), 3(1)(q) of the S.C.S.T. Act., he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

5) Appellant shall attend the concerned Police Station on 1st, 2nd and 3rd July 2024 between 11.00 to 2.00 p.m.

6) Appellant shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.

7) Appellant shall attend Trial Court regularly unless exempted from personal appearance.

8) Appellant shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

9) List the petition on **18 July 2024**.

[SANDEEP V. MARNE, J.]

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