

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

CRIMINAL APPEAL NO. 649 OF 2024

Ramkumar Dukhran Singh

... **Appellant**

Versus

State of Maharashtra and Ors.

... **Respondents**

Mr. Devendra B. Shukla *for the Appellant.*

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

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

CORAM : SANDEEP V. MARNE, J.

DATE : 2 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 6 May 2024 passed by the learned Additional Sessions Judge, Kalyan rejecting the application filed by the Appellant for pre-arrest bail in connection with C.R. No. I-836 of 2023 registered with Thane Railway Police Station, for offence punishable under Sections 354, 504 and 506 of the Indian Penal Code, 1860 and under Sections 3(1)(r)(w)(ii) of the SC & ST Act.

2) I have heard Mr. Shukla, the learned counsel appearing for the Appellant and Ms. Gajare-Dhumal, the learned APP appearing for Respondent No.1-State and Ms. Chavan, the learned counsel appointed to represent Respondent No.2 from Legal Aid Panel.

3) *Prima facie*, there appears to be substantial delay in lodging the FIR. The alleged incident occurred on 11 March 2023 whereas the FIR is lodged on 14 June 2023. The learned counsel for Appellant would invite my attention to the order dated 7 February 2024 by which the Complainant has already been removed from service. Perusal of the allegations in the FIR statement dated 14 June 2023 *prima facie*, does not indicate commission of any offence under provisions of SC & ST Act. Therefore, bar under provisions of Section 18 of SC & ST Act would not be attracted in the present case. The learned counsel appearing for Appellant would submit that investigations into the crime are already complete and chargesheet has been filed. In my view, therefore, Interim protection granted in favour of the Appellant deserves to be made absolute.

4) I accordingly proceed to pass the following order:

- a) Order dated 6 May 2024 passed by the learned Additional Sessions Judge, Kalyan is set aside.
- b) Interim protection granted in favour of the Appellant on 8 July 2024 is made absolute.

d) Appellant shall co-operate with further conduct of investigations, if necessary, by remaining present before the Investigating Officer as and when necessary.

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

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

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

[SANDEEP V. MARNE, J.]