

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

CRIMINAL APPEAL NO. 652 OF 2024

Dattu Pundalik Gadhikar

... Appellant

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Aniket Nikam i/b Mr. Amit Icham, Mr. Dushyant Digambar & Mr. Sumit Patil *for the Appellant.*

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

Mr. Ankur Pahade *appointed for Respondent No.2.*

CORAM : SANDEEP V. MARNE, J.

DATE : 13 NOVEMBER 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 12 June 2024 passed by the learned Additional Sessions Judge, Yeola, rejecting Application filed by the Appellant for grant of pre-arrest bail in connection with C.R. No.321 of 2024 registered with Taluka Police Station, Yeola for offences punishable under Sections 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(r) of the SC & ST Act.

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

3) Perusal of the FIR statement would indicate that the FIR is lodged on account of the Complainant allegedly overhearing a conversation between the Appellant and Umesh Anarthe. Perusal of the FIR statement does not indicate any caste based utterances towards the Appellant in particular. *Prima facie*, there is nothing on record to indicate that any utterances are made to intentionally humiliate the Complainant with reference to his caste.

4) In that view of the matter, bar under provisions of Section 18 of the SC & ST Act would not be attracted in the present case. The Appellant is already on interim protection granted by this Court by Order dated 9 July 2024. The said interim protection deserves to be made absolute.

5) I accordingly proceed to pass the following order:

a) Order dated 12 June 2024 passed by the Additional Sessions Judge, Yeola is set aside.

b) Interim protection granted in favour of the Appellant by Order dated 9 July 2024 is made absolute.

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

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

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

[SANDEEP V. MARNE, J.]