

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

CRIMINAL APPEAL NO.686 OF 2024

Mrs. Kamal Pandurang Koli and
Mrs. Sarika Anurath Koli
V/S
The State of Maharashtra & Anr.Appellants
....Respondents

Mr. Susmit S. Phatale a/w Mr. Somnath Kale *for the Appellant.*
Ms. Shilpa G. Talhar, APP *for Respondent No.1 / State.*
Ms. Manisha Devkar, *appointed Advocate for Respondent No.2.*

*Mr. Jayesh M. Kshirsagar, HC, Solapur Taluka Police Station
present in Court.*

CORAM: SANDEEP V. MARNE, J.
DATE : 09 DECEMBER 2024.

P.C.:

1 This is an Appeal filed under provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 4 May 2024 passed by the learned Additional Sessions Judge, Solapur, rejecting the application filed by the Appellants for anticipatory bail in connection with Crime No.154 of 2024 registered by Solapur Taluka Police Station for an offences punishable under sections 307, 354, 324, 143, 147, 148, 149 of the Indian Penal Code, section 4/25 of the Indian Arms Act and sections 3(1)(r)(s), 3(2)(va) of the SC & ST Act.

2 I have heard Mr. Phatale, the learned counsel appearing for the Appellants, Ms. Talhar, the learned APP appearing for Respondent No.1/State and Ms. Devkar, the learned counsel appointed by the Court to represent Respondent No.2.

3 After having considered the submissions canvassed by the learned counsel appearing for the parties and after going through the FIR statement, it appears that the entire allegations of assault by use of sword as well as caste based abuses are essentially against accused No.1 Anurath Pandurang Koli, who has been arrested and released on regular bail. So far as the Appellants are concerned, they are wife and mother of accused No.1 Anurath Koli. The only allegation is against them in the FIR statement is about abusing and assaulting with hands and wooden stick. Though there is an allegation of abuses on the part of the Appellants, admittedly, the FIR statement does not indicate that such abuses had any caste based slur. In my view therefore, no *prima facie* case of commission of any offence under the provisions of SC & ST Act is made out in the present case. In that view of the matter, the interim protection granted in favour of the Appellants by order dated 16 July 2024 deserves to be made absolute.

4 I accordingly proceed to pass the following order:

i) Order dated 4 May 2024 passed by the learned Additional Sessions Judge, Solapur is set aside.

ii) Interim protection granted in favour of the Appellants by order dated 16 July 2024 is made absolute.

iii) The Appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to the court or any police officer. The Appellants shall not tamper with the evidence.

iv) Unless exempted, the Appellants shall attend the Trial Court regularly. The Appellants shall co-operate with the Trial Court and shall not seek unnecessary adjournments.

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

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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