

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

CRIMINAL APPEAL NO. 743 OF 2024

Arun Shankar Mahadik and Anr.

.. Appellants

Versus

State of Maharashtra & Ors.

.. Respondents

...

Mr. Shailesh D. Chavan a/w Mr. Prashant Kamble, Advocate for Appellants.

Ms. Rashmi S. Tendulkar, APP for Respondent - State.

...

CORAM : SANDEEP V. MARNE J.

DATE: 19 JULY 2024.

P.C. :-

- 1) Heard Mr. Chavan the learned counsel appearing for the Appellants.
- 2) This is an Appeal filed under the provisions of Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**S.C.S.T. Act**) challenging the order dated 4 July 2024 passed by the learned Special Judge, Satara rejecting the application for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with C.R. No. 115 of 2024 registered with Rahimatpur Police Station, Satara for offences punishable under Sections 324 & 504

r/w. 34 of the Indian Penal Code, 1860 and under Sections 3(1)(r)(s), 3(2)(va), 6 of the S.C.S.T. Act .

3) It *prima facie* appears that scuffle has taken place between the members of two families. While the FIR alleges abusing and assault on the part of the Appellants towards the Complainant, there is a cross FIR lodged by Appellant No.2 – Gauri Rohit Jadhav in which she has alleged that the Complainant and his son have assaulted the Appellants in addition to tearing clothes of Appellant No.2.

4) Mr. Chavan has drawn my attention to the photographs of the incidents taken from the CCTV footage, which *prima facie* indicate that the Complainant and his son voluntarily entered the house premises of the Appellants. The photographs show that the Complainant and his son carrying wooden sticks. Mr. Chavan would submit that he is willing to submit the video recording from the said CCTV footage to the Investigating Officer, to prove falsehood of the FIR lodged by the Complainant.

5) Considering the provisions of the S.C.S.T. Act, it is necessary to issue notice to Respondent No.2. However, till Respondent No.2 puts appearance, it is necessary to grant interim protection to the Appellants.

6) Issue notice to Respondent No.2, returnable on **19 August 2024**. The Investigating Officer shall record statement of Respondent No.2 as to whether he would engage his private Advocate or avail services of legal aid Advocate. The statements shall be produced before the Court on the next date.

7) In the meantime, if the Appellants are arrested in connection with C.R. No.115 of 2024 registered with Rahimatpur Police Station, Satara for offences punishable under Sections 324 and 504 r/w. 34 of the Indian Penal Code, 1860 and

under Sections 3(1)(r)(s), 3(2)(va), 6 of the S.C.S.T. Act, they shall be released on interim bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.

8) The Appellants shall remain present before the Investigating Officer on 29 & 30 July 2024 during 11.00 a.m. to 2 p.m. and shall cooperate with the Investigations.

9) The Appellants would at liberty to handover the concerned video recordings of the incident to the Investigating Officer.

10) Appellants shall furnish identity and address proof of themselves and of their two blood relatives while furnishing sureties.

11) Appellants shall attend Trial Court regularly unless exempted from personal appearance.

12) Appellants 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.

13) Stand over to **19 August 2024**.

[SANDEEP V. MARNE J.]