

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO.775 OF 2024**

1. Subhash Dnyanoba Lagad
2. Moreshwar Vitthal Lagad
3. Mahadev Vitthal Lagad
4. Priyanka Mahadev Lagad
5. Urmila Subhash Lagad

....Appellants

V/s.

The State of Maharashtra and Anr.

....Respondents

Mr. Santosh C. Bhosale *for the Appellants.*

Ms Anuja S. Gotad, *APP for Respondent-State.*

Mr. Yash Ashok Malve, PC, Kamshet Police Station, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 31 July 2024.

P.C. :

1) This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**), challenging order dated 22 June 2024 passed by the learned Additional Sessions Judge, Vadgaon, District-Pune, rejecting application for pre-arrest bail in connection with Crime No.103 of 2024 registered with Kamshet Police Station, Pune (Rural) for the offences punishable under Sections 141, 143, 147, 341, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(2), 3 (v) and 3(1)(y) of the SCST Act.

2) I have heard the learned counsel appearing for the Appellants and the learned APP for Respondent No.1-State.

3) Issue notice to Respondent No.2, returnable on **28 August 2024**. In the meantime, the Investigating Officer to record the statement of Respondent No.2 as to whether she is desirous of engaging private Advocate or seeks to avail the services of Legal Aid Panel Advocate and submit a report to this Court before the next date of hearing.

4) *Prima facie* it appears that the FIR is lodged out of dispute between the parties with regard to right of way. The FIR does not indicate utterance of caste-based remark/abuses by the Appellants. In that view of the matter, bar under the provisions of Section 18 and 18-A of the SCST Act may not apply. Therefore, Appellants deserve to be granted interim protection during pendency of the appeal on the following terms and conditions:-

- a) In the event of arrest of the Appellants in Crime No.103 of 2024 registered with Kamshet Police Station, District-Pune (Rural), they 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;
- b) The Appellants shall not pressurise the Complainant by contacting her in direct or indirect manner;
- c) The Appellants shall remain present before the Investigating Officer for investigation as and when summoned and shall co-operate with the investigations.

- d) The Appellants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

[SANDEEP V. MARNE, J.]