

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 805 OF 2024

Salman Mushir KhanAppellant

V/s.

The State of Maharashtra and Ors.Respondents

WITH

CRIMINAL APPEAL NO. 804 OF 2024

Mr. Sajid Ali Mohd ShaikhAppellant

V/s.

The State of Maharashtra and Ors.Respondents

WITH

CRIMINAL APPEAL NO. 806 OF 2024

Mohd Wakil Gulam Nabi KhanAppellant

V/s.

The State of Maharashtra and Ors.Respondents

Ms. Priyanka Chavan a/w *Mr. Shantaram Phanse* a/w *Mr. Nilesh Navale* and *Ms. Isha Shaikh*, for the Appellant.

Mr. Ashok Metakari, APP for Respondent – State in Appeal No.805 of 2024 and 806 of 2024.

Mr. Shilpa K. Gajare Dhumal, APP for Respondent-State in Appeal No.804 of 2024.

Mr. A. Y. Malik, API, *Shil Daighar, Police Station*.

CORAM : SANDEEP V. MARNE, J.

Date : 7 AUGUST 2024.

P.C. :

1) These are Appeals filed under the provisions of Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act) challenging orders dated 6 July 2024 passed by the Additional Sessions Judge, Thane rejecting the applications filed by Appellants for pre-arrest bail in connection with the C.R. No.832 of 2024 for offences punishable under Sections 141, 143, 147, 148, 447, 341, 323, 504 and 506 of the Indian Penal Code and Sections 3(1)(f), 3(1)(g), 3(1)(p), 3(1)(r), 3(1)(s) and 3(2)(va) of the SCST Act.

2) This Court has already granted interim Anticipatory Bail to Accused Nos. 2 and 3 by order dated 5 August 2024 in paragraph 2 thereof, following observations are made :

“Prima-facie, it appears that the dispute between the parties arises out of occupation of the land in question which is described by the Complainant as tribal land. The learned counsel appearing for the Appellants submits that the main allegations are against Accused No.1-Karimuddin Abdul Majeed Chaudhary who has been already arrested and chargesheet has been filed after completion of investigation. He would invite my attention to the statement of the Complainant recorded under the provisions of Section 164 of the Criminal Procedure Code. After going through the said statement dated 3 May 2024, it appears that the Complainant has levelled allegations of unauthorized encroachment in respect of her land by the First Accused, Karimuddin. In that view of the matter, interim protection deserves to be granted in favour of the Appellants till Respondent No.2 makes an appearance and is heard in the Appeals”.

3) It appears that Accused No.1 has already been arrested and is in custody. Accused Nos.2 and 3 are granted interim Anticipatory Bail by this Court on 5 August 2024. In that view of the matter, interim

protection deserves to be granted in favour of the Appellants till Respondent No.2 appears in the Appeals.

- 4) Issue notice to Respondent No.2, returnable on **2 September 2024**.
- 5) The Investigation Officer shall record the statement of Respondent No.2 as to whether she desires to engage private advocate or desires the services of Legal Aid Panel Advocate and submit a report to the Court on the next date of hearing.
- 6) In the meantime, in the event of arrest of the Appellants in C.R. No.832 of 2024 registered with Shil Daighar Police Station shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.
- 7) Appellants shall attend the concerned Police Station as and when required and co-operate in the investigation.
- 8) Appellants shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.
- 9) Appellants shall not pressurize the Complainant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.
- 10) List the Petition on **2 September 2024**.

[SANDEEP V. MARNE, J.]