

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

CRIMINAL APPEAL NO. 813 OF 2024

Abdul Kalam Hasan Raza Shaikh

....Appellant

: *Versus* :

The State of Maharashtra & Anr.

....Respondents

**WITH
CRIMINAL APPEAL NO. 814 OF 2024**

Nayeem Nasir Shaikh

....Appellant

: *Versus* :

The State of Maharashtra & Anr.

....Respondents

Mr. Bilal Motorwala, for the Appellants.

Ms. Anuja A. Gotad, APP for Respondent No.1-State in both the Appeals.

CORAM : SANDEEP V. MARNE, J.

Dated : 5 August 2024.

P.C. :

1) These are Appeals under Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**S.C.S.T. Act**) challenging the order dated 6 July 2024 passed by the Additional Sessions Judge, Thane rejecting the application filed by the Appellants for pre-arrest bail in connection with 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 S.C.S.T. Act.

2) *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) Accordingly, issue notice to Respondent No.2 returnable on **2 September 2024**. The Investigating 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.

4) In the meantime, in the event of arrest of the Appellants in C.R. No. 832 of 2024 registered with Shil Daighar Polcie 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.

- 5) Appellants shall attend the concerned Police Station as and when required and co-operate in the investigation.
- 6) Appellants shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.
- 7) 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.
- 8) List the Appeals on **2 September 2024.**

[SANDEEP V. MARNE, J.]

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2024.08.05
18:06:42
+0530