

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 830 OF 2024****Seema Tulsidas Lakhani****....Appellant****V/s.****The State of Maharashtra & Ors.****....Respondents**

Ms. Aishwarya Kantawala i/b Ms. Diya Jayan, for the Appellant.**Ms. Shilpa K. Gajare, App for the Respondent-State.****Mr. A. L. Garad- PSI Samarth Police Station, Pune.**

CORAM : SANDEEP V. MARNE, J.**Date : 8 AUGUST 2024.****P.C. :**

1) This Appeal is filed under provisions of section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (SC & ST Act) challenging the order dated 24 July 2024 passed by Special Judge, Pune rejecting the application filed by the Appellant under Section 438 of the Code of Criminal Procedure seeking for pre-arrest bail in connection with C.R.153 of 2024 registered with Samarth Police Station for offences punishable under sections 498, 323, 504 and 506 read with Sections 34 of the Indian Penal Code, 1860 and sections 3(1)(r), 3(1)(s) of the S.C. & S.T. Act.

2) Prima facie, it appears that the FIR is lodged out of matrimonial disputes between the complainant and the first accused, who is her

Note: The order is corrected pursuant to speaking to minutes of order dated 09 August 20204.

husband. Accused No. 1 was apparently arrested and has been released on bail. Appellant is the mother in law the complainant. Though caste-based utterances are sought to be ascribed to the Appellant, *prima facie* there is nothing to indicate that the same are made in public view.

3) In that view of the matter, bar under Section 18 of the S.C.S.T. Act may not apply to the present case.

4) Issue notice to Respondent No.2 returnable on **4 September 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.

5) In the event of arrest of the Appellant in connection with C.R.153 of 2024 registered with Samarth Police Station for offences punishable under sections 498, 323, 504 and 506 read with Sections 34 of the IPC and Sections 3(1)(r), 3(1)(s) of the S.C. & S.T. Act, she shall be released on interim bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

6) The Appellant shall co-operate with the investigation.

7) The Appellant shall keep the Investigating Officer informed of her corrent address and mobile contact numbers, and / or change of resident of mobile details, if any, from time to time.

[SANDEEP V. MARNE, J.]

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