

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 842 OF 2024

Balaso Kakaso Wagh And Ors.

... Appellants

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Kuldeep Patil i/b Saili Dhuru a/w Mr. Ashish K. Shrivastava for the Appellants.

Ms. Rashmi S. Tendulkar, APP for the Respondent No. 1-State.

Mr. Suraj Jadhav, PSI, Mr. Pawar, PC, Kharghar Police Station is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 12 AUGUST 2024.

P.C. :

1) Heard Mr. Patil, the learned counsel appearing for Appellants.

2) Respondent No. 2 is personally present before the Court. She submits that she wants to avail services of Legal Aid Panel Advocate. Accordingly, Ms. Shivani Kondekar, the learned counsel is appointed to represent Respondent No.2.

3) Learned counsel for the Appellants to serve copy of the Appeal on Ms. Shivani Kondekar.

4) *Prima facie*, the FIR does not indicate any caste-based utterances. The caste-based utterances appear to have been added subsequently in the supplementary statement recorded on 22 July 2024, after seven days of the initial FIR. In that view of the matter, *prima facie* bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) may not apply considering the improvement in the initial story of the Complainant. Therefore, the Appellants deserve to be protected by way of an interim order till the hearing of the Appeal. I accordingly proceed to pass the following order:

- (a) In the event of arrest of the Appellants in C.R. No.199 of 2024 registered with Kharghar Police Station, District-Navi Mumbai, for the offences punishable under Sections 323, 324, 354, 452, 504 and 506 r/w. 34 of the IPC and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of the SCST Act, they shall be enlarged on interim bail on furnishing P.R. Bonds in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.
- (b) Appellants shall furnish identity and address proof of themselves and of their two blood relatives while furnishing sureties.
- (c) 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.
- (d) Appellants shall co-operate for completion of investigation.

5) List the Criminal Appeal on **3 September 2024**.

[SANDEEP V. MARNE, J.]