

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 858 OF 2024

Prabhakar R. Desai

....Appellant

V/s.

The State of Maharashtra and Anr.

....Respondents

Mr. Sanjeev P. Kadam a/w *Varsha Thorat, Mr. Pratik Deshmukh i/b Ms. Anjali Purav, for the Appellant.*

Ms. Rashmi S. Tendulkar, *APP for the Respondent-State.*

Mr. Yuvraj Mohan Morgha, *Complainant, Respondent No.2 present in Court*

API Sandeep Gore, *Manpada Police Station Thane City.*

CORAM : SANDEEP V. MARNE, J.

Date : 13 AUGUST 2024.

P.C. :

1) This is an appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act) challenging order dated 9 August 2024 passed by the learned Special Judge, Kalyan, rejecting the application filed by the Appellant for pre-arrest bail under Section 438 of Code of Criminal Procedure, 1973.

2) Prima facie, it appears that the FIR is lodged by the Complainant in connection with his service with the Education Institution conducted by the Trust of which Petitioner is Chairman. It appears that the institution was earlier receiving grant-in-aid and the Complainant was working as a aided teaching staff in the institute. The management has apparently

decided to convert the institute into non-aided institute and which has apparently resulted in rendering of services of aided staff as surplus. The Complainant prima facie appears to be aggrieved by the above course of action adopted by the management and it appears that the complaint has been lodged on account of alleged prevention by the management from performance of duties by the Petitioner.

3) The FIR does not indicate any caste-based utterances by the Appellant. In that view of the matter, there appears to be no prima facie case so as to attract bar under provisions of section 18 and 18A of the S.C.S.T. Act. In my view therefore, Appellant deserves to be granted interim protection.

4) Respondent No.2 is personally present before the Court and seeks time to engage private advocate. He may do so before the next date of hearing.

5) List the Appeal for further consideration on **3 September 2024**.

6) Till the next date of hearing in the event of arrest of the Appellant in connection with C.R.808 of 2024 registered with Manpada Police Station for offences punishable under sections 3(1)(r), (za)(E), 3(1)(zc), 3(a)(za)(D), 3(a)(za)(A), 3(1)(u)(o)(q) of the S.C. & S.T. Act, he 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.

7) The Appellant shall co-operate with the investigations.

8) The Appellant shall keep the Investigating Officer informed of his correct address and mobile contact numbers, and / or change of residence and mobile details, if any, from time to time.

[SANDEEP V. MARNE, J.]

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