

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

CRIMINAL APPEAL NO. 868 OF 2024

Sunita Ambadas Uttekar

... Appellant

Versus

State of Maharashtra and Anr.

... Respondents

Ms Rekha Musale *i/b. Mr. Nitin L. Rajguru for the Appellant.*

Ms. Rashmi S. Tendulkar, *APP for Respondent No.1 – State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 20 AUGUST 2024.

P.C. :

1) This Appeal is filed under provisions of 14-A of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**), challenging the Order dated 15 July 2024 passed by the Additional Sessions Judge, Baramati rejecting the application for Anticipatory Bail filed by the Appellant in connection with Crime Register No. 291 of 2024 registered with Indapur Police Station, for offences punishable under Sections 307, 323, 324, 504, 506 read with Section 34 of Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(v), 6 and 7(1)(d) of the SC & SC Act.

2) It appears that, Criminal Bail Application No. 650 of 2024 was a second attempt on the part of the Appellant to seek Anticipatory Bail as the first application was rejected on 19 April 2024. Ordinarily this Court would have been loath in granting any interim protection in favour of the Appellant considering the fact that, the impugned order is passed in second Anticipatory Bail Application. However, it appears that the main accused in the case Swapnil Uttekar was arrested on 30 March 2024 and has been released on regular bail on 22 April 2024. The allegation of assault by use of knife and iron rod is attributed only to Swapnil Uttekar. So far as the Appellant is concerned *prima facie*, it appears that apart from allegation of assault on face of Complainant's father, there is no other allegations specifically attributed to the Appellant. The learned counsel for the Appellant would submit that the injury certificate does not indicate any injury on the face of the Complainant's father. Appellant is the mother of main accused Swapnil Uttekar. The altercation apparently took place on account of disputes between the two families on account of their children getting married outside their caste.

3) It appears that, the investigation into the crime are already complete and chargesheet is already filed against the Appellant as well. Considering this position in my view interim protection deserves to be granted in favour of Appellant.

4) Issue notice to Respondent No. 2, returnable on **10 September 2024**. The Investigating Officer shall record statement of Respondent No. 2, as to whether he desirous to appoint his private advocate or avail services of

Legal Aid Panel Advocate. Statement shall be produced before the Court on next date of hearing.

5) In the event of arrest of the Applicant in connection with Crime Register No. 291 of 2024 registered with Indapur Police Station, for offences punishable under Sections 307, 323, 324, 504, 506 read with Section 34 of Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(v), 6 and 7(1)(d) of the SC & SC Act, he should be released on **interim bail** till the next date of hearing 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 remain present before the Investigating Officer on 27 and 28 August 2024 between 11.00 a.m. and 4.00 p.m. and shall cooperate with the completion of the further investigation, if any.

[SANDEEP V. MARNE, J.]