

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 874 OF 2024

Vilas Dagadu Bhoir & Ors.

... Appellants

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Nikhil Adkine *i/b Mr. Susmit Sanjay Phatale for the Appellants.*

Ms. Shilpa G. Talhar, *APP for the Respondent No.1-State.*

Mr. Sagar Jadhav, *PSI Kasara Police Station is present.*

CORAM : SANDEEP V. MARNE, J.

DATE : 23 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 29 July 2024 passed by Additional Sessions Judge, Kalyan rejecting the application filed by the Appellants

seeking pre-arrest bail in connection with Crime Register No. 53 of 2023 registered with Kasara Police Station, District-Thane(Rural) for offences punishable under Sections 324, 427, 504 and 506 read with Section 34 of Indian Penal Code, 1860 and Sections 3(1)(r) and 3(2)(va) of the SC & SC Act.

2) It appears that the investigation into the crime are already complete. The spade used for commission of the alleged crime has already been recovered. Charge-sheet has been filed on 12 August 2023. Perusal of the injury certificate *prima facie* indicates presence of only two simple injuries on the Complainant. Though presence of Complainant's wife Urmila Umesh Wagh is reflected into FIR statement, statement of Urmila does not reflect any caste based utterances. In my view, therefore, *prima facie*, the bar under Section 18 of the SC and ST Act would not be applicable in the present case. Appellant therefore, deserves to be granted interim protection.

3) Issue notice to Respondent No.2, returnable on 23 September 2024. Investigating Officer shall record statement of Respondent No.2 as to whether he is desirous of engaging private Advocate or seeks to avail the services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

4) In the event of arrest of the Appellants in connection with Crime Register No. 53 of 2023 registered with Kasara Police Station, District- Thane(Rural) for offences punishable under Sections 324, 427, 504 and 506 read with Section 34 of Indian Penal Code, 1860 and Sections 3(1)(r) and 3(2)(va) of the SC & SC Act, they shall be released on interim bail on

furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount.

- 5) The Appellants shall co-operate with the investigations.
- 6) The Appellants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

[SANDEEP V. MARNE, J.]