

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 885 OF 2024

Shailesh Sanjay Ghadge

... Appellant

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Aniket Nikam *i/b Mr. Amit Icham for Appellant.*

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

CORAM : SANDEEP V. MARNE, J.

DATE : 26 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 8 August 2024 passed by the Learned Special Judge-1, Barshi, rejecting the application filed by the Appellant seeking pre-arrest bail under Section 438 of Code of Criminal Procedure in connection with Crime Register No. 402 of 2024 registered with Karmala Police Station for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code and under Section 3(1)(r)(s), 3(2)(va) of the SC & ST Act.

2) Perusal of the FIR would *prima facie* indicate that the allegations of caste based abuses are vague. *Prima facie*, it indicates that the said utterances are not made in public place. So far as offences punishable under the Indian Penal Code are concerned, the offences are bailable. Perusal of the injury certificate would indicate that the Complainant has apparently suffered only simple injury. In my view, therefore, bar under provisions of Section 18 of the SC & ST Act would not be attracted in the present case in view of absence of a *prima facie* case. The Appellant therefore deserves to be granted Interim protection till Respondent No.2 is heard in the Appeal.

3) Issue notice to Respondent No. 2, returnable on 30 September 2024.

4) In the event of arrest of the Appellant in connection with Crime Register No. 402 of 2024 registered with Karmala Police Station for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code and under Section 3(1)(r)(s), 3(2)(va) of the SC & ST Act, he shall 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.

[SANDEEP V. MARNE, J.]