

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 901 OF 2024

Sunil Eknath Sali And Ors

... Appellants

Versus

The State of Maharashtra and Anr.

... Respondents

Mr. Santosh C. Bhosle *for the Appellants.*

Ms. Anuja S. Gotad, *APP for Respondent No.1-State.*

Mr. Dilip A. Bodke, *PSI Manmad Sub Divisional Police Office is present.*

CORAM : SANDEEP V. MARNE, J.

DATE : 28 AUGUST 2024.

P.C. :

1) Heard the learned counsel appearing for Appellants. He would submit that initially FIR dated 8 April 2024 was registered only under IPC Sections and all the three Appellants were arrested on 11 April 2024 and have been released on bail on 19 April 2024. After they are released from custody, according to him, offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act) are added which necessitated filing Application for anticipatory bail.

2) *Prima facie*, it appears that since Appellants were already arrested and kept in custody for about 9 days, further custodial

interrogation of the Appellants may not be warranted. Even otherwise the FIR statement *prima facie* shows that the caste-based utterances are alleged to have been made at a public place, there is nothing to indicate that the same was in public view. Therefore, *prima facie*, bar under Section 18 of the SCST Act would not apply. Appellants therefore, deserve to be granted interim protection.

3) In the event of arrest of the Appellants in connection with Crime Register No. 140 of 2024 registered with City Police Station Yeola for the offences punishable under Sections 353, 143, 147, 149, 385, 501, 504 and 506 of the Indian Penal Code and under Section 3(1)(r)(s), 3(2)(v) of the SCST Act, they shall be released on interim bail till the next date of hearing on furnishing PR Bonds in the sum of Rs. 25,000/- each with one or two solvent sureties in the like amount.

4) The Appellants shall co-operate with the investigation.

5) It appears that, in Criminal Appeal No. 705 of 2024 statement of Respondent No.2 has been recorded in which she has desired availing services of Legal Aid Panel Advocate. Accordingly, in the present Appeal also Ms. Meghna Gowlani, the learned counsel is appointed to represent Respondent No.2. Appellants to serve copy of the Appeal on Ms. Meghna Gowlani.

6) Issue notice to Respondent No.2, returnable on **10 September 2024.**

[SANDEEP V. MARNE, J.]