

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

CRIMINAL APPEAL NO.910 OF 2024

Rajendra Chandansingh Rajput &
Suresh Pratapsingh Pardeshi
V/S

....Appellants

The State of Maharashtra &
Prasad Sunil Khairnar

....Respondents

Mr. Ateet Shirodkar a/w Mr. Ganesh Gole *for the Appellants.*
Ms. Anuja S. Gotad, APP *for Respondent No.1/State.*

CORAM: SANDEEP V. MARNE, J.
DATE : 3 SEPTEMBER 2024.

P.C.:

1 Leave granted to amend the Memo of Appeal. Amendment to be carried out forthwith.

2 This is an Appeal under provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 7 August 2024 passed by the learned Additional Sessions Judge, Yeola, rejecting the application for pre-arrest bail filed by the Appellants in connection with CR No.256 of 2023 registered with City Police Station Yeola under sections 327, 324, 143, 147, 148, 149, 363, 504, 323, 506, 354 of the Indian Penal Code and sections 3(1)(r) of the SC & ST Act.

3 Perusal of the FIR statement would indicate that assaults on three separate occasions are committed on the Complainant. In respect of the

incidents involved in the first two assaults, the Appellants are apparently not involved. Appellant No.2 is named in respect of the third assault allegedly committed when the Complainant was taken at the house of Ganesh Pardeshi. Appellant No.1 is described in the FIR statement as Shravani's aunt's husband from Shirdi. Though there is an allegation of assault by use of sticks, wooden logs and belt, the exact role ascribed to various accused is not reflected. There are no allegations against the Appellants regarding any caste-based utterances. *Prima facie* therefore the bar under section 18 of the SC & ST Act would not be attracted in the present case. Accused Nos.1 and 2 are apparently already arrested. Appellant No. 2 is aged 70 years. In that view of the matter, the Appellants deserve to be granted interim protection till Respondent No.2 makes an appearance in the Appeal.

4 Issue notice to Respondent No.2, returnable on **23 September 2024**.

5 The concerned Investigating Officer shall record statement of Respondent No.2-Complainant as to whether he wishes to engage private advocate or to avail services of Legal Aid Advocate. The statement should be produced before the next date of hearing.

6 Till the next date of hearing, in the event of arrest of Appellants in connection with C.R. No.256 of 2023 registered with City Police Station Yeola under sections 327, 324, 143, 147, 148, 149, 363, 504, 323, 506, 354 of the Indian Penal Code and sections 3(1)(r) of the SC & ST Act, they 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 on the following terms and conditions:

- i) The Appellants shall remain present before the Investigating Officer on 12 and 13 September 2024 between 11 a.m. to 2 p.m. and shall co-operate for completion of investigations.
- ii) Appellants shall not attempt to contact or pressurize the Complainant or any of the witnesses associated with the case in any manner nor shall they tamper with the evidence in the case.
- iii) Appellants shall furnish identity and address proof of themselves and of their two blood relatives while furnishing sureties to the Investigating Officer.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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