

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 964 OF 2024**

Devendra Pandurang Gaikwad

....Appellant

: Versus :

State of Maharashtra & anr.

....Respondents

Mr. Mayuresh Modgi, *for the Appellant.*

Mr. A.R. Metkari, *APP for Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 9 September 2024.

P.C. :

1) This is an Appeal under the provisions of Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 challenging order dated 7 August 2024 passed by the Additional Sessions Judge, Mangaon-Raigad rejecting the application filed by the Appellant seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with C.R. No.100/2024 registered with Mangaon Police Station for the offences punishable under Sections 420, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2) I have heard Mr. Modgi, the learned counsel appearing for the Appellant and Mr. Metkari, the learned APP appearing for Respondent-State.

3) Perusal of the FIR statement would *prima-facie* indicate delay of 8 long months in lodging the FIR. More interestingly, it appears that after the alleged incident of 8 June 2023, some documents in respect of sale of the land was executed in favour of the Complainant on 5 July 2023. Mr. Modgi would submit that not only

the Appellant has absolutely no connection with the execution of the said document, the FIR appears to have been lodged only after realisation that transaction contained in the said document dated 5 July 2023 did not fructify. Otherwise, it appears that the Complainant did not have any grievance with regard to the alleged incident of 8 June 2023. In that view of the matter, the Appellant deserves to be granted interim protection till Respondent No.2 puts in his appearance in the Appeal.

4) Issue notice to Respondent No.2 returnable on 1 October 2024. In the meantime, the Investigating Officer to record statement of Respondent No.2 as to whether he is desirous of engaging a private advocate or legal aid panel advocate.

5) In the meantime, in the event of arrest of the Appellant in connection with C.R. No.100/2024 registered with Mangaon Police Station, he shall be released on interim bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

6) The Appellant shall remain present before the concerned Investigating Officer on 19th and 20 September 2024 and shall co-operate in further investigations.

7) The Appellant shall not contact the complainant or any other witness associated with the case, or tamper with the evidence.

8) Stand over to **1 October 2024.**

[SANDEEP V. MARNE, J.]

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