

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 966 OF 2024****Ranjana Waman Ghodke and Anr.****....Appellants****V/s.****The State of Maharashtra and Anr.****....Respondents**

Mr. Mr. Nagesh S. Khedkar *a/w Mr. Sainath S. Garade, for the Appellants.*

Ms. Shilpa G. Talhar, *App for the Respondent-State.*

Mr. G. V. Ingole *Pandharpur Police Station.*

CORAM : SANDEEP V. MARNE, J.

Date : 6 SEPTEMBER 2024.

P.C. :

1) This is an Appeal filed under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act) challenging the order dated 13 August 2024, passed by the Additional Sessions Judge, Pandharpur rejecting the application of the Appellants for grant of pre-arrest bail under Section 482 of Bhartiya Nagrik Suraksha Sanhita in connection with Crime No.454 of 2024 registered with Pandharpur Police Station for offences punishable under Sections 74, 118(1), 115 (2), 324(4), 352, 351(2), 3(5) of Bhartiya Naya Sanhita and Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the SC and ST Act.

2) I have heard Mr. Khedkar, the learned counsel appearing for the Appellant and Ms. Talhar, the learned APP for Respondent-State.

3) *Prima facie*, it appears that the allegations with regard to Section 74 of BNS is mainly against Accused No. 4 Santosh Ghodke. So far as the present Appellants are concerned, there is nothing to indicate that they have abused the Complainants with reference to her caste. Even the act of assault does not *prima facie* appears to have been committed with an intention to humiliate the caste of the Complainant. Considering the limited role ascribed to the Appellants in the FIR statement, in my view, bar under Section 18 of the SCST Act would *prima facie* not apply to the present case. Appellants therefore deserve to be granted interim protection till Respondent No.2 puts appearance in the Appeal.

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

5) In the meantime, the concerned Investigating Officer shall record statement of Respondent No.2 as to whether she desires to engage private Advocate of her choice or to avail services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

6) In that view of the matter Appellant deserves to be granted interim protection. I accordingly proceed to pass the following Order :

(a) In the event of arrest of the Appellants in Crime No.454 of 2024 registered with Pandharpur Police Station for offences punishable under Sections 74, 118(1), 115 (2), 324(4), 352, 351(2), 3(5) of Bhartiya Naya Sanhita and Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the SC and ST Act, he shall be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Appellant shall appear before the Investigating Officer on 19 and 20 September 2024 between 11.00 to 2.00 p.m. and shall co-operate with the conduct of investigations by handing over his mobile phone, as well as by undergoing medical examination.

(c) Appellant shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.

(d) Appellant shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

[SANDEEP V. MARNE, J.]