

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

CRIMINAL APPEAL NO. 966 OF 2024

Ranjana Waman Ghodke And Anr

... Appellants

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Nagesh S. Khedkar *for the Appellants.*

Ms. Shilpa K. Gajare-Dhumal, *APP for Respondent No.1-State.*

Ms. Meghana Gowalani *appointed for Respondent No.2.*

Mr. B. S. Waghmare, H.C. Pandharpur City Police Station, Solapur is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 27 NOVEMBER 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 (**SC & ST 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, 2023 (**BNSS**) 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, 2023 (**BNS**) 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 Appellants, Ms. Gajare-Dhumal, the learned APP appearing for Respondent No.1-State and Ms. Gowalani, the learned counsel appointed by the Court to represent Respondent No.2 from Legal Aid Panel.

3) While granting interim protection in favour of the Appellants, this Court made following observations in paragraph 3 of the Order dated 6 September 2024.

"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) Perusal of the FIR statement does not indicate any caste based utterances by the Appellants towards the Complainant. Therefore, bar under provisions of Section 18 of the SC & ST Act would not apply to the present case. The entire allegations with regard to offence under Section 74 of the BNS is namely against accused No.4 – Santosh Ghodke. It appears that he has been arrested and released on

bail. The Appellants have appeared before the Investigating Officer as directed by this Court and have co-operated with conduct of investigations. In my view, therefore, custodial interrogation of the Appellants is no longer warranted. Interim protection granted in favour of the Appellants by order dated 6 September 2024 therefore deserves to be made absolute.

5) I accordingly proceed to pass the following order:

a) Order dated 13 August 2024 passed by the learned Additional Sessions Judge, Pandharpur is set aside.

b) Interim protection granted in favour of the Appellants by Order dated 6 September 2024 is made absolute.

c) Appellants shall attend each date of hearing before the Trial Court regularly unless exempted from personal appearance.

d) The Appellants shall not contact the complainant or any other witnesses associated with the case nor shall tamper with the evidence.

6) With the above directions the Appeal is allowed and **disposed of.**

[SANDEEP V. MARNE, J.]