

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1067 OF 2024**

Latika Dhondiram Bandal & Ors.

....Appellants**V/s.**

The State of Maharashtra and Ors.

....Respondents

Mr. Laxman Kalel, for the Appellants.**Ms. Rashmi S. Tendulkar, for the Respondents.**

CORAM : SANDEEP V. MARNE, J.**Date : 9 OCTOBER 2024.****P.C. :**

1) This is an Appeal filed under the provisions of Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 11 September 2024 passed by the learned Special Judge, Pandharpur, rejecting the application filed by the Appellants for pre-arrest bail under Section 482 of the Bhartiya Nagrik Surksha Sahita (**BNSS**) in connection with Crime No. 281 of 2024 registered with Pandharpur Gramin Police Station for the offences under Sections 74, 76, 119(1), 118(1), 3(5) and 352 of BNS and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2) and 3(v) of the SC and ST Act.

2) *Prima facie*, it appears that there are no caste-based utterances in the FIR statement. The main allegations are against Dhondiram with regard to the outraging modesty of Complainant's wife. The present appeal is filed by Dhondiram's wife and two sons in respect of allegation of Appellant No.1 Latika assaulting first informant's wife and Appellant Nos. 2 and 3 assaulting first informant's brother Sahadev. There appears to be dispute between the parties about boundary of the land. It also appears that a cross FIR registered against the first informant, his wife and brother. Since *prima facie* case of offences under SC & ST Act is not made out, the bar under Section 18 would not apply. In that view of the matter, Appellants deserve to be granted interim protection till Respondent No.2 puts in his appearance.

3) Issue notice to Respondent No.2, returnable on 11 November 2024. The Investigating Officer shall record statement of Respondent No.2 as to whether he is desirous of engaging private Advocate or would avail the services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

4) Till the next date of hearing, in the event of arrest of the Appellant in connection with Crime No. 281 of 2024 registered with Pandharpur Gramin Police Station for the offences under Sections 74, 76, 119(1), 118(1), 3(5) and 352 of BNS and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2) and 3(v) of the SC and ST Act, he 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:-

(a) The Appellant shall appear before the Investigating Officer on 21 October 2024 and 22 October 2024 between 11.00 a.m. to 2.00 p.m. and shall co-operate with completion of investigations.

(b) Appellant shall not contact the Complainant or any other witness associated with the case nor shall directly or indirectly tamper with the evidence.

5) List the Appeal on **11 November 2024**.

[SANDEEP V. MARNE, J.]

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