

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1084 OF 2024

Balasaheb Chandrakant
Khaladkar and Ors.

....Appellants

V/s.

The State of Maharashtra and Anr.

....Respondents

Mr. Shailesh D. Chavan with *Mr. Samir Sahane for the Appellants.*

Ms Shilpa G. Talhar, APP for Respondent No.1-State.

Mr. D.N. Raut, PSI, SDPO, Khed, Pune (R), present.

CORAM : SANDEEP V. MARNE, J.

Dated : 4 October 2024.

P.C.:

1) This is an appeal under the provisions of Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) passed by the learned Additional Sessions Judge, Khed -Rajgurunagar, Pune, rejecting the application for pre-arrest bail filed under the provisions of Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with C.R. No.509 of 2024 for offences punishable under Sections 3(5),324(4), 329(3), 351(2) and 352 of the Bhartiya Nyay Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 6 of the SCST Act.

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2) Perusal of the FIR statement would indicate that the same is filed in respect of the three incidents, which allegedly took place on 13 April 2024, 2 June 2024 and 1 September 2024. So far as the second and third incidents are concerned, there are allegations with regard to caste based utterances. However, in respect of the incident of 13 April 2024 the Complainant alleges caste based utterances. However, it appears that after the alleged incident on 13 April 2024 no FIR was lodged. The case *prima facie* involves land and boundary dispute. Since *prima facie* case of offences under SCST 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 her appearance.

3) Issue Notice to Respondent No.2, returnable on **23 October 2024**. Investigating Officer shall record statement of Respondent No.2 as to whether she is desirous of engaging private Advocate or seeks to 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 Appellants, in connection with C.R. No.509 of 2024 for offences punishable under Sections 3(5), 324(4), 329(3), 351(2) and 352 of the Bhartiya Nyay Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 6 of the SCST Act they shall be released on interim bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount.

5) The Appellants shall remain present before the Investigating Officer on 17 October 2024 and 18 October 2024 and shall co-operate with the investigations.

6) The Appellants shall not contact the Complainant or witnesses associated with the case nor shall tamper with the evidence.

[SANDEEP V. MARNE, J.]