

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

CRIMINAL APPEAL NO.1089 OF 2024

Ranga @ Mayappa Mhalappa Mane &
Mhalappa Jayappa Mane

....Appellants

V/S

The State of Maharashtra &
Narayan Tulsiram Khadtate

....Respondents

Mr. Mithilesh Mishra *for the Appellants.*

Ms. Rashmi S. Tendulkar, APP *for Respondent No.1 / State.*

*Mr. P.D. Salunkhe, PHC, Mangalvedha Police Station, Solapur
(R) present in Court.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 11 OCTOBER 2024.**

P.C.:

1 Heard the learned counsel appearing for the Appellants and perused FIR statement. *Prima facie* it appears that the allegation of assault by use of weapon is attributed only to accused No.2 Bapurao Mhalappa Mane. So far as the present Appellants are concerned, the allegations against them relate to assault by fists. It also appears that the caste based utterances are made while the Complainant was inside house and also when he came out of the house. *Prima facie* therefore, it appears that such utterances were not made in public view. Therefore bar under provisions of section 18 of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) would not be attracted in the present case. In that view of the matter Appellants deserve to be protected by way of interim order till Respondent No.2 puts in his appearance.

2 Issue notice Respondent No.2, returnable on **24 October 2024**.

3 In the meantime, the concerned Investigating Officer shall record statement of Respondent No.2-Complainant as to whether he wishes to engage private advocate or to avail services of Legal Aid Advocate. The statement of Respondent No.2 should be produced before the next date of hearing.

4 In the meantime, in the event of arrest Appellants in connection with C.R. No.576 of 2024 registered with Mangalwedha Police Station for offences punishable under sections 118(1), 115(2), 352, 351(2), 351 (3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and offences under sections 3(1) (r)(s), 3(2)(v) of the SC & ST Act, they 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:

- i) Appellants shall remain present before the Investigating Officer on 17 and 18 October 2024 between 11 a.m. to 2 p.m. and shall co-operate for completion of investigation.

ii) Appellants shall not attempt to contact or pressurize the Complainant or any of the witnesses associated with the case in any manner nor shall they tamper with the evidence in the case.

iii) Appellants shall furnish identity and address proof of themselves and of their two blood relatives while furnishing sureties to the Investing Officer.

(SANDEEP V. MARNE, J.)

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by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2024.10.11
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