

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

CRIMINAL APPEAL NO.1133 OF 2024

Samar Abbas Abbas Hussain Sayyed	Appellant
V/S	
The State of Maharashtra & Anr.	Respondents

Ms. Sartaj Shaikh *for the Appellant.*
Ms. Shilpa G. Talhar, APP *for Respondent No.1 / State.*

CORAM: SANDEEP V. MARNE, J.
DATE : 17 OCTOBER 2024.

P.C.:

1 This Appeal is filed under the provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 10 October 2024 passed by the Additional Sessions Judge, Vasai, by which Appellant's application for pre-arrest bail under provisions of section 482 of the Bharatiya Nagarik Surakhas Sanhita, 2023 in connection with CR No.648 of 2024 for offences punishable under sections 427 and 447 of the Indian Penal Code alongwith section 3(1)(g) of the SC & ST Act, is rejected.

2 FIR statement would prima facie indicate existence of dispute between the parties over land. The caste based utterances are allegedly made on a telephone and *prima facie* it

appears that same was not made in public view. In that view of the matter bar under provisions of section 18 of the SC & ST Act may not apply in the present case. In that view of the matter Appellant needs to be granted interim protection till Respondent No.2 puts in his appearance.

3 Issue notice Respondent No.2, returnable on **20 November 2024**.

4 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.

5 Till the next date of hearing, in the event of arrest of the Appellant in connection with C.R. No.648 of 2024 registered with Pelhar Police Station for offences punishable under sections 427 and 447 of the Indian Penal Code alongwith section 3(1)(g) of the SC & 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:

- i) Appellant shall remain present before the Investigating Officer on 24 and 25 October 2024 between 11 a.m. to 2 p.m. and shall co-operate for completion of investigation.

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

(SANDEEP V. MARNE, J.)

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