

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1171 OF 2024

Nilesh Subhash Chavan

...Appellant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Rupesh A. Zade *for the Appellant.*

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

Mr. Devkar, PSI, Baramati City Police Station, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 25 October 2024.

P.C. :

1. This is an appeal filed under the provisions of Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocity) Act, 1989 (**SCST Act**) challenging order dated 5 October 2024 passed by the learned Special Judge, Baramati, rejecting the application filed by the Appellant for grant of pre-arrest bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita (**BNNS**) in connection with Crime No.450 of 2024 registered with Baramati City Police Station for the offences punishable under Sections 324, 354, 427, 452 and 504 r/w 34 Indian Penal Code (IPC) and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the SCST Act.

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2. It prima facie appears that there are cross FIR lodged by both the parties. The FIR lodged by the present Appellant on 13 June 2024 would indicate series of assault committed by use of knife by Nitin Suresh Chavan on him and his father. It appears that both of them suffered grievous injury on account of assault by Nitin Suresh Chavan. It appears that his wife -Nayna has also participated in the assault using knife as well as wooden log. It appears that both Nitin Chavan and Nayna have been arrested. It appears that cross FIR is lodged by Nayna on 14 June 2024 after registration of FIR against her and her husband on 13 June 2024. Considering this position it become difficult to believe at this stage that any prima facie case of commission of offence under the SCST Act is made out against the Appellant. Therefore, bar under Section 18 would prima facie not apply to the present case. In that view of the matter, Appellant deserves to be granted interim protection till the next date of hearing.

3. Issue notice to Respondent No.2 through Investigating Officer, returnable on **27 November 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. In the meantime, in the event of arrest of the Appellant in connection with Crime No.450 of 2024 registered with Baramati City Police Station for the offences punishable under Sections 324, 354, 427, 452 and 504 r/w 34 Indian Penal Code (IPC) and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the SCST 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.

5. The Appellant shall remain present before the Investigating Officer on 11 November 2024 and 12 November 2024 between 11.00 a.m. to 2.00 p.m and shall cooperate with the conduct of investigation.

6. Appellant shall not contact the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

7. Appellant shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.

[SANDEEP V. MARNE, J.]