

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

CRIMINAL APPEAL NO. 1209 OF 2024

Aparana Vasantrao Ghorpade

... Appellant

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Vikas Shivarkar *for the Appellant.*

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

CORAM : SANDEEP V. MARNE, J.

DATE : 13 NOVEMBER 2024.

P.C. :

1) This Appeal is filed under the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC & ST Act) challenging the order dated 25 October 2024 passed by the learned Special Judge, Pune rejecting Application filed by the Appellant for grant of pre-arrest bail under provisions of Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with C.R. No.254 of 2024 registered with Vishrantwadi Police Station for offences punishable under Sections 3(1)(r), 3(1)(s) and 3(1)(c) of the SC & ST Act.

2) I have heard Mr. Shivarkar, the learned counsel appearing for the Appellant. He would submit that the Investigating Officer had issued notice under provisions of Section 35(3) of the Bhartiya Nagrik Suraksha Sanhita, which correspond to Section 41(A) of the Code of Criminal Procedure. He would therefore submit that the Investigating Officer himself was of the opinion that custodial interrogation of the Appellant was not necessary and if, the Appellant was to remain present before the Investigating Officer in pursuance of notice under Section 35(3) of B.N.S.S. Act, there would not have been any occasion for arrest of the Appellant. In that view of the matter, the Appellant needs to be protected till Respondent No.2 puts in his appearance.

3) Issue notice to Respondent No. 2, returnable on **9 December 2024.**

4) In the meantime, the concerned Investigating Officer shall record statement of Respondent No.2 as to whether he desires to engage private Advocate of his choice or to avail services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

5) Till the next date of hearing in the event of arrest of Appellant in connection with C.R. No.254 of 2024 registered with Viishrantwadi Police Station for offences punishable under Sections 3(1)(r), 3(1)(s) and 3(1)(c) of the SC & ST Act., he shall be released on interim bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

6) Appellant shall remain present before the Investigating Officer on 25 and 26 November between 11.00 a.m. to 2.00 p.m. and shall co-operate with the investigations.

7) Appellant shall not contact the Complainant or any other witnesses associated with the case and nor shall tamper with the evidence either directly or indirectly.

[SANDEEP V. MARNE, J.]