

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1216 OF 2024

Popat Rajendra Markad & anr.

....Appellants

: *Versus* :

State of Maharashtra & anr.

....Respondents

ALONGWITH

CRIMINAL APPEAL NO. 1218 OF 2024

Suvarna Rajendra Markad & anr.

....Appellants

: *Versus* :

State of Maharashtra & anr.

....Respondents

Mr. Akash Pandey , *for the Appellants.*

Ms. Shilpa K. Gajare-Dhumal, *APP for the Respondent-State in Cri. Appeal-1216-2024.*

Ms. Anuja S. Gotad, *APP for the Respondent-State in Cri. Appeal-1218-2024.*

Mr. Ratilal Chaudhari, *PSI Walchandnagar Police Station present.*

CORAM : SANDEEP V. MARNE, J.

Dated : 25 November 2024.

P.C. :

1) These are Appeals filed under the provisions of Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (S.C.S.T. Act) challenging the orders dated 22 October 2024 passed by the Additional Sessions Judge, Baramati rejecting application filed by the Appellants for grant of pre-arrest bail under the provisions of Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNS Act) apprehending arrest for having committed offences punishable under Sections 74, 352, 351(3), 351(2), 3(5), 118(1), 115(2) of the BNS Act and Sections (1)(s), 3(1)(r) of the S.C.S.T. Act in C.R. No. 289/2024 registered with Walchandnagar, Indapur, District-Pune.

2) I have heard Mr. Pandey, the learned counsel appearing for the Appellants and Ms. Gajare-Dhumal, the learned APP for Respondent No.1-State in Cri.Appeal No.1216/2024 and Ms. Gotad, the learned APP for Respondent No.1-State in Cri.Appeal No.1218/2024.

3) *Prima-facie*, it appears that there is delay of 6 days in filing the FIR in respect of the alleged incident of 7 August 2024. The Complainant alleges that he suffered grievous injuries on account of assault committed by him by use of fists, wooden log etc. However, the injury certificate issued by the Medical Officer, Rural Hospital, Nimgaon Ketki does not indicate presence of any injuries though the Complainant was referred to SOH, Indapur for conduct of some pathological investigations. In my view, therefore Appellants deserve to be protected till Respondent No.2 puts in appearance and produces the relevant Medical Certificate about injuries allegedly suffered by him as well as his alleged claim of being admitted in the Hospital.

4) Issue notice to Respondent No.2 returnable on 16 December 2024. The Investigating Officer to record statement of Respondent No.2 as to whether she wants to engage private advocate or engage services of Advocate from legal aid panel and submit a report to this Court before the returnable date.

5) In the meantime, in the event of arrest of the Appellants in Crime No.289/2024 registered with Walchandnagar, Indapur, District-Pune, for having committed offences punishable under Sections 74, 352, 351(3), 351(2), 3(5), 118(1), 115(2) of the BNS Act and Sections (1)(s), 3(1)(r) of the S.C.S.T. Act, they shall be released on interim bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.

6) The Appellants shall remain present before the Investigating Officer on 2nd and 3rd December 2024 and co-operate in the conduct of investigations.

7) The Appellants shall not contact the Complainant or any witnesses associated with the case nor shall pressurize or threaten her and shall not tamper with the evidence.

8) List the Appeals on **16 December 2024**.

[SANDEEP V. MARNE, J.]

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