

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

CRIMINAL APPEAL NO. 1226 OF 2024

Devidas Baban Giri And Anr

... **Appellants**

Versus

The State of Maharashtra And Anr

... **Respondents**

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

Ms. Shilpa G. Talhar, APP *for Respondent No.1-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 21 NOVEMBER 2024.

P.C. :

1) This is an Appeal filed under Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC & ST Act) challenging the Order dated 23 October 2024 passed by the learned Special Judge, Baramati rejecting the Application filed by the Appellants for grant of pre-arrest bail under provision of Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) in connection with Crime No.145 of 2020 registered with Indapur Police Station for offences punishable under Sections 307, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act and under Sections 3(1)(r), 3(2)(va), 3(2)(v) of SC & ST Act and under Section 7(1)(d) of Protection of Civil Rights Act.

2) It appears that the incident has allegedly occurred on 22 February 2020 in respect of which the FIR was lodged on 23 February 2020. It appears that in the original FIR Appellants were not included as caste and allegations qua them are sought to be added in the supplementary statement. After passage of four and half years, supplementary statement of the Complainant is recorded in which he has added allegations of caste based abuses against the Appellants. In that view of the matter, Appellants deserve to be granted interim protection till Respondent No.2-Complainant puts in his appearance.

4) Issue notice to Respondent No.2, returnable on **17 December 2024.**

5) 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.

6) In the meantime, in the event of arrest of Appellants in connection with Crime No.145 of 2020 registered with Indapur Police Station for offences punishable under Sections 307, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act and under Sections 3(1)(r), 3(2)(va), 3(2)(v) of SC & ST Act and under Section 7(1)(d) of Protection of Civil Rights 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.

7) Appellants shall remain present before the Investigating Officer on 3 and 4 December 2024 between 11.00 a.m. to 2.00 p.m. and shall co-operate with the investigations.

8) Appellants shall not contact the Complainant or any other witnesses associated with the case nor shall tamper with the evidence.

[SANDEEP V. MARNE, J.]