

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

CRIMINAL APPEAL NO. 1235 OF 2024

Sandesh Ramesh Madane And Anr.

... Appellants

Versus

The Senior Police Inspector And Ors

... Respondents

Mr. Mateen Shaikh *a/w Mr. S. V. Kshirsagar & Ms. Muskan & Ms. Kirti Chapalgavkar for the Appellants.*

Ms. Shilpa G. Talhar, *APP for Respondent No.2-State.*

Mr. Macchindra E. Patil, *PSI, Phaltan Police Station is present.*

CORAM : SANDEEP V. MARNE, J.

DATE : 27 NOVEMBER 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 the order dated 24 October 2024 passed by the Additional Sessions Judge, Phaltan, rejecting application filed by the Appellants for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) in connection with C.R. No.1009 of 2024 registered with Phaltan Rural Police Station for offences punishable under Sections 189(2), 191(2), 115(2), 352, 351(2) of

the Bhartiya Nyaya Sanhita, 2023 (**BNS**) and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 6 of the SC & ST Act.

2) It appears that several others accused are granted anticipatory bail by the learned Special Judge by Order dated 24 October 2024. *Prima facie*, the role assigned to the Appellants appear to be on par with one assigned to the accused, who has been granted anticipatory bail. The learned Special Judge has not applied the bar under provisions of Section 18 of SC & ST Act, while granting anticipatory bail to several other accused in the case. In that view of the matter, *prima facie*, the bar under Section 18 of the Act may not apply in case of present Appellants as well. In that view of the matter, Appellants deserve to be granted interim protection till Respondent No.3 puts in his appearance.

3) Issue notice to Respondent No.3, returnable on **18 December 2024**.

4) In the meantime, the concerned Investigating Officer shall record statement of Respondent No.3 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.1009 of 2024 registered with Phaltan Rural Police Station for offence punishable under Sections

189(2), 191(2), 115(2), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 6 of the SC & ST 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) 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 conduct of investigations.

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

[SANDEEP V. MARNE, J.]