

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

CRIMINAL APPEAL NO.1237 OF 2024

Harshwardhan Jaywant Patil

....Appellant

V/S

The State of Maharashtra & Anr.

....Respondents

Mr. Satyam H. Nimbalkar a/w Mr. Yash V. Saxena *for the Appellant.*

Ms. Shilpa K. Gajare, APP *for Respondent No.1-State.*

Mr. Sumit Gaware, PSI, Pairavi Officer, Amboli Police Station, Mumbai present in Court.

CORAM: SANDEEP V. MARNE, J.

DATE : 26 NOVEMBER 2024.

P.C.:

1. This is an Appeal filed under the provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 22 October 2024 passed by learned Additional Sessions Judge, Dindoshi, rejecting the Application filed by the Appellant for grant of pre-arrest bail in connection with C.R. No.369 of 2023 registered with Amboli Police Station for offences punishable under sections 3(1)(c), 3(1)(r), 3(1)(s) and 3(1)(v) of the SC & ST Act.

2. The learned counsel appearing for the Appellant would submit that FIR is a counter-blast to the Appellant's repeated complaints made with regard to illegal dumping at the site. *Prima facie*, there appears to be substance in the contention of the learned counsel appearing for the Appellant as the FIR statement itself contains a specific reference to possible complaints that would be lodged by the Appellant in respect of dumping activities. So far as the caste based utterances are concerned, the same are alleged to have been hurled by one unnamed lady, whose statement is shown to have been subsequently recorded on 19 January 2024 after lapse of period of six months. In my view therefore, *prima facie* case for commission of offences under SC & ST Act is not made out and hence bar under provisions of sections 18 or 18A of the SC & ST Act would not be attracted in this case. It is also a matter of fact that investigations in the crime are complete and charge-sheet has been filed. Therefore custodial interrogation of the Appellant at this stage would not be warranted. Therefore, Appellant deserves to be granted interim protection till Respondent No.2 puts in his appearance.

3. Issue notice to Respondent No.2, returnable on **18 December 2024**.

4. In the meantime Investigating Officer shall record statement of Respondent No.2 as to whether he is desirous of

engaging private Advocate or seeks to avail the services of Legal Aid Panel Advocate.

5. Till the next date of hearing, in the event of arrest of the Appellant in connection with C.R. No.369 of 2023 registered with Amboli Police Station, for the offences punishable under sections 3(1)(c), 3(1)(r), 3(1)(s) and 3(1)(v) of the SC & ST 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 on the following terms and conditions:

- i) Appellant shall remain present before the Investigating Officer on 3 and 4 December 2024 and shall co-operate with conduct of further investigations.
- ii) Appellant shall not attempt to contact the Complainant or any of the witnesses associated with the case in any manner nor shall he tamper with the evidence in the case.

(SANDEEP V. MARNE, J.)