

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1284 OF 2024

Dr. Dhurandhar Raghunath Katke

....*Appellant*

: *Versus* :

Girija Shankar Pandey & Anr.

....*Respondents*

Mr. Sunil Lahane, a/w. Ms. Mekhala Mone i/by. The Juris Partners, for the Appellant.

Mr. Shilpa G. Talhar, App For the Respondent-State.

CORAM : SANDEEP V. MARNE, J.

Dated : 16 DECEMBER 2024.

P.C. :

1) This is an Appeal filed under the provisions of Section 14A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**S.C.S.T. Act**) passed by the learned Additional Sessions Judge, Thane granting regular bail to Respondent No.1.

2) I have heard Mr. Lahane, the learned counsel appearing for the Appellant and Ms. Talhar, the learned Counsel for Respondent No.2-State.

3) The main objection of Mr. Lahane is about grant of bail by the learned Special Court ignoring the reasonings recorded by this Court in order dated 8 October 2024 while declining anticipatory bail.

In my view, the considerations for grant of anticipatory bail would stand on a completely different footing than the one for grant of regular bail. There is a bar under the provisions of Section 18 of the S.C.S.T. Act for grant of anticipatory bail and in the case where prima-facie offences under the provisions of S.C.S.T. Act are made out, Courts are precluded from granting anticipatory bail in view of bar under Section 18 and 18A of the Act. In the present case, after rejection of anticipatory bail by this Court on 8 October 2024, Respondent No.1 was apparently arrested and kept in custody for a period of more than a month. Considering the nature of allegations in the FIR, Respondent No.1 cannot otherwise be kept incarcerated for indefinite period of time. The learned Special Judge has rightly exercised the discretion in granting regular bail to Respondent No.1. Therefore, there is no warrant for interference in the order passed by the learned Special Judge. Appeal is devoid of merits and is accordingly **dismissed**.

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[SANDEEP V. MARNE, J.]