

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

CRIMINAL APPEAL NO. 1300 OF 2024

Sandip Jathar

... Appellant

Versus

The State of Maharashtra And Anr

... Respondent

Mr. Rajendra P. Mishra *for the Appellant.*

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

Mr. Lokhande, API, Kalwa Police Station is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 17 DECEMBER 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 13 November 2024 passed by the Additional Sessions Judge, Thane, rejecting Application filed by the Appellant for grant of anticipatory bail in connection with C.R. No.1101 of 2024 registered with Kalwa Police Station for offences punishable under Sections 341, 420, 406, 447, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(g), 3(1)(p), 3(1)(r), 3(2)(va) of the SC & ST Act.

2) I have heard Mr. Mishra, the learned counsel appearing for Appellant and Ms. Gajare-Dhumal, the learned APP appearing for Respondent No.1-State.

3) Perusal of the FIR statement would *prima facie* indicate existence of mainly dispute of civil nature concerning the grievance of the Appellant about non grant of the possession of flat in question by the developer. There is also substantial delay in lodging the FIR in respect of the alleged incident of the year 2021. The FIR does not disclose the date or month of the alleged utterances made in the year 2021. The allegations also appear to be *omnibus* in nature and are not ascribed to any particular accused. Therefore, it becomes difficult to hold at this juncture that *prima facie* case of commission of offence under SC & ST Act is made out. Therefore, bar under provisions of Section 18 of the Act would not be attracted in the present case. In that view of the matter, Appellant deserves to be granted interim protection till Respondent No.2 puts in his appearance.

4) Issue notice to Respondent No.2, returnable on **28 January 2025.**

5) In the meantime, 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) Till the next date of hearing in the event of arrest of Appellant in connection with C.R. No.1101 of 2024 registered with Kalwa Police Station for offences punishable under Sections 341, 420, 406, 447, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(g), 3(1)(p), 3(1)(r), 3(2)(va) of the SC & ST Act, he shall be released on interim bail on furnishing P.R. Bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

7) The Appellant shall appear before the Investigating Officer on 25 and 27 December 2024 between 11.00 to 2.00 p.m. and shall co-operate with the investigation.

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

[SANDEEP V. MARNE, J.]