

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

CRIMINAL APPEAL NO. 1303 OF 2024

1. Mangal Shamrao Kolekar

2. Karishma Shamrao Kolekar

... Appellants

Versus

The State of Maharashtra And Anr

... Respondent

Mr. Sourabh Rajendra Jagtap *a/w Mr. Milind B. Thokal, Mr. Harshwardhan J. Karande for the Appellants.*

Ms. Anuja S. Gotad, APP *for the Respondent No.1-State.*

Mr. N. C. Tarade, PSI, Jejuri Police Station, Pune (R) is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 17 DECEMBER 2024.

P.C. :

1) At the outset the learned counsel appearing for the Appellants, on instructions seeks to withdraw the Appeal *qua* Appellant No.3-Ajinkya Shamrao Kolekar. Leave granted. Appellant to delete the name of Ajinkya Shamrao Kolekar from cause title of the Appeal. Amendment to be carried out forthwith.

2) 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 8 November 2024

passed by the learned Special Judge, Pune, rejecting Application filed by the Appellants for grant of anticipatory bail in connection with CR No. 347 of 2024 registered with Jejuri Police Station for offences punishable under Sections 352, 351(3), 351(2), 3(5) 118(1), 115 of the Bhartiya Nyaya Sanhita, 2023 (**BNS**) and Sections 3(2)(va), 3(1)(s) and 3(1)(r), of the SC & ST Act.

3) I have heard Mr. Jagtap, the learned counsel appearing for Appellants and Ms. Gotad, the learned APP appearing for Respondent No.1-State.

4) Perusal of the FIR statement would indicate that the main allegation are against Accused No.1 - Pappu Nana Kolekar @ Ajinkya Shamrao Kolekar. The Appeal is already withdrawn *qua* Ajinkya Shamrao Kolekar. So far as Mangal Kolekar and Karishma Kolekar are concerned, there is no allegation of assault by use of any dangerous weapon. It also appears that there is free fight amongst the parties in respect of which cross FIR is also lodged. It therefore becomes difficult to believe at this stage that Appellants Mangal and Karishma have committed any offence under the provisions of the SC & ST Act. Therefore, bar under provisions of Section 18 of the Act would not be attracted in the present case. In that view of the matter, Appellants deserves to be protected by interim order till Respondent No.2 puts in her appearance.

5) Issue notice to Respondent No.2, returnable on **28 January 2025**. Notice to be served through Jejuri Police Station.

6) In the meantime, the concerned Investigating Officer shall record statement of Respondent No.2 as to whether she desires to engage private Advocate of her choice or to avail services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

7) Till the next date of hearing in the event of arrest of Appellant in connection with CR No. 347 of 2024 registered with Jejuri Police Station for offences punishable under Sections 352, 351(3), 351(2), 3(5) 118(1), 115 of the Bhartiya Nyaya Sanhita, 2023 (**BNS**) and Sections 3(2)(va), 3(1)(s) and 3(1)(r) of the SC & ST Act, they shall be released on interim bail on furnishing P.R. Bonds in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.

8) The Appellants shall appear before the Investigating Officer on 26 and 27 December 2024 between 11.00 to 2.00 p.m. and shall co-operate with the investigation.

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

[SANDEEP V. MARNE, J.]