

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1331 OF 2024

1. Nandkumar Someshwar Sakhare
2. Mahadeo Someshwar Sakhare
3. Deepak Vilas Tiwatne

...Appellants

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Dhananjay D. Rananaware *for the Appellants.*

Ms. Shilpa G. Talhar, *APP for Respondent No.1-State.*

Mr. Vijay H. Khade, PHC, Dhahiwadi Police Station, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 December 2024.

P.C. :

1) Heard Mr. Rananaware, the learned counsel appearing for the Appellants. This is an Appeal filed under the provisions of Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging the order dated 13 February 2024 passed by the learned Special Judge, Waduj, rejecting the application for grant of anticipatory bail in connection with C.R. No.233 of 2024 registered with Dahiwadi Police Station, District-Satara, for the

offences punishable under Sections 420, 465, 467, 468 and 471 of the IPC and Sections 3(1)(f), 3(2)(v) and (vi) of the SCST Act.

2) Perusal of the FIR statement would indicate that the FIR is lodged alleging execution of Sale Deed dated 4 September 2010 in respect of the land of the Complainant by impersonation. The Appellants have placed on record copy of the Plaint filed in Special Civil Suit No.24 of 2018 seeking cancellation of Sale Deed dated 4 September 2010 registered on 6 September 2010. He would invite my attention to the order dated 26 September 2023 passed by the Civil Judge, Junior Division, dismissing the said Suit for non-prosecution. It thus, appears that Complainant has set civil law in motion for setting up challenge to the Sale deed for which the FIR has been lodged. It appears that Appellants were on interim protection during pendency of their application before the learned Special Judge. In that view of the matter, the interim protection granted in favour of the Appellants by the learned Special Judge needs to be extended during pendency of the present Appeal as well.

3) Issue notice to Respondent No.2, returnable on **28 January 2025**. Investigating Officer shall record statement of Respondent No.2 as to whether she is desirous of engaging private Advocate or seeks to avail the services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.

4) In the meantime, in the event of arrest of the Appellants in connection with C.R. No.233 of 2024 registered with Dahiwadi Police Station, District-Satara, for the offences punishable under Sections 420, 465, 467, 468 and 471 of the IPC and Sections 3(1)(f), 3(2)(v) and (vi) of the SCST Act, they shall be released on interim bail till the next date of hearing on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount.

5) The Appellants shall remain present before the Investigating Officer for investigation as and when summoned and shall co-operate with the investigations.

[SANDEEP V. MARNE, J.]