

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1332 OF 2024

Hanmant @ Dada Ananta Ghalme
V/s.

...Appellant

The State of Maharashtra and Anr.

...Respondents

Ms. Manisha Devkar with Mr. Shankar Katkar for the Appellant.

Ms. Shilpa K. Gajare-Dhumal, APP for Respondent No.1-State.
Mr. Pandurang T. Dhawale, PHC, Pandharpur (rural), Police Station, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 December 2024.

P.C. :

1) 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 10 December 2024 passed by the learned Special Judge (Atrocity), Pandharpur District-Solapur, rejecting the application for grant of anticipatory bail in connection with C.R. No.428 of 2024 registered with Pandharpur Gramin Police Station, Pandharpur, District-Solapur, for the offences

MEGHA
SHREEDHAR
PARAB

Digitally signed by
MEGHA
SHREEDHAR PARAB
Date: 2024.12.19
15:34:55 +0530

punishable under Sections 189(2), 191(1), 190, 115(2), 352, 351(3), 119(2), 74 and 333 of Bhartiya Nyay Sanhita (**BNS**) and Sections 3(1)(r)(s), 3(1)(w)(i)(ii) and 3(2)(va) of the SCST Act.

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

3) Perusal of the FIR would prima facie indicate that the main allegations are against the accused Pawan Prakash Ghalme. So far as the present Appellant is concerned, the allegations are relating to assault as well as outraging the modesty of Complainant's mother. However, the allegations appear to be omnibus in nature. No specific role is attributed to the Appellant in connection with the acts alleged. Therefore, it is difficult to believe at this stage that any offence under provisions of the SCST Act is committed by the Appellant. In that view of the matter, Appellant deserves to be protected till Respondent No.2 puts in his appearance.

4) Issue notice to the Respondent No.2, returnable on **21 January 2025**. 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. The statement shall be produced before the Court on the next date of hearing.

5) In the meantime, in the event of arrest of the Appellant in connection with C.R. No.428 of 2024 registered with Pandharpur Gramin Police Station, Pandharpur, District-Solapur, for the offences punishable under Sections 189(2), 191(1), 190, 115(2), 352, 351(3), 119(2), 74 and 333 of Bhartiya Nyaya Sanhita, 2023 (**BNS**) and Sections 3(1)(r)(s), 3(1)(w)(i)(ii) and 3(2)(va) of the SCST Act, he shall be released on interim bail till the next date of hearing on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount.

6) The Appellant shall remain present before the Investigating Officer on 26 and 27 December 2024 between 11.00 a.m. to 2.00 p.m. and thereafter as and when summoned and shall co-operate with the investigations.

7) Appellant shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

[SANDEEP V. MARNE, J.]