



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 921 OF 2024

1. Charanjit Kaur W/o Lakhvindersingh Pannu
2. Lakhvindar Singh S/o Kartarsingh Pannu

VERSUS

The State Of Maharashtra And Others

- Mr. S. S. Shaikh h/f Mr. M. M. Rapanwad, Advocate for the Appellants
- Mr. D. B. Bhanage, APP for the Respondent/State
- Mr. M. K. Bhosle, Advocate for the Respondent No. 3 (appointed)

CORAM : R.M. JOSHI, J
DATE : JANUARY 07, 2025

PER COURT :

1. This appeal is against rejection of the Anticipatory Bail by the Special Court in Crime No. 410/2023 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under Sections 376(2)(n), 313, 315, 323, 504, 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2), 3(v), 3(1)(w) (i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short '**Atrocities Act**').

2. In the first information report the Informant has alleged against present Appellants that in the

matrimonial home the present Appellants abused her over her caste and insulted her.

3. Learned Counsel for the Appellants submits that even if the statement in report is accepted to be true, it does not amount to offence under Atrocities Act, since the offence is not occurred in public view. In support of his submissions, he relied upon the judgment of Hon'ble Supreme Court in case of Hitesh Verma Vs. The State of Uttarakhand & Anr, 2020(10)SCC 710.

4. Learned APP and learned Counsel for Informant opposed the Appeal. It is their contention that having regard to the seriousness of the offence, Appellants are not entitled for anticipatory bail. Reference is also made to Section 18 of the Atrocities Act in order to contend that in cases of offences under the Atrocities Act the provisions of pre-arrest bail would not apply.

5. There cannot be any dispute about position of law where the offence is *prima facie* made out against accused, accused would not be entitled to seek the

relief of anticipatory bail in view of Section 18 of the Act. However, perusal of the FIR as well as supplementary statement recorded of the Informant does not indicate that the incident of she allegedly being abused over her caste and being insulted has not occurred in public view. This Court finds substance in the contention of the learned Counsel for the Appellants that in view of the judgment in case of Hitesh Verma (supra), no offence can be said to have been made out under the Act since incident is not occurred in public view. This Court, therefore, finds no reason to reject present Appeal. In the result, Appeal stands allowed by confirming interim order dated 09.10.2024.

6. Fees of the appointed Counsel is quantified at Rs. 10,000/- to be paid by High Court Legal Services Authorities Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)