



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 1074 OF 2024

Shaikh Fareed Shaikh Russtum

VERSUS

The State Of Maharashtra And Others

Mr. A. C. Sisodiya, Advocate for appellant

Mr. B. A. Shinde, APP for respondent Nos. 1 & 2/State

Mr. P. K. Apache, Advocate for respondent No.3

CORAM : R. M. JOSHI, J.

DATE : 31st January, 2025

PER COURT :-

1. Appellant apprehends arrest in connection with Crime No. 0027 of 2023 registered with Hadgaon Police Station, District. Nanded for the offences punishable under Sections 394, 384, 323, 427, 294, 506 r/w 34 of the Indian Penal Code and under Section 3(1)(r) & 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and under Section 4/25 of the Arms Act.

2. First Information Report indicates that an incident had occurred on 06.02.2023 at about 07:00 PM in which damage was caused by the accused to the hotel premises of the informant. There is allegation against the co-accused that he removed Rs. 16,000/- from the cash counter and also abused him over caste.

3. Learned counsel for the appellant submits that the appellant was not named in the First Information Report. Though, subsequently in the supplementary settlement, his name appears. It is his submission that charge sheet is filed and since there is no allegation against present appellant of commission of crime under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short "the Act") for grant of pre-arrest bail.

4. Learned APP and learned counsel for informant opposed application. They point out to this Court that in the supplementary statement, informant has specifically alleged against appellant of causing assault at his mother Shobhabai and Rameshwar. It is further contended that there statements also support the said allegation. Thus, according to them, there is prima facie evidence showing involvement of the appellant in this crime and hence application is sought to be rejected.

5. First Information Report as well as supplementary statement of the informant clearly indicate that there is no allegation against the present appellant of abusing or insulting the informant over his caste. This Court prima facie finds substance in the contention that the offence under the Act may not be get directed against appellant as well as embargo of Section 18 of the Act would not apply to this appeal. Since, charge sheet is filed and as nothing is to be recovered at the instance,

appeal stands allowed interim order.

6. Fees of appointed counsel is quantified Rs. 10,000/-

(R. M. JOSHI, J.)

bsj