



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

CRIMINAL APPEAL NO. 05 OF 2025

RADHESHYAM S/o DAYARAM SARAP

VERSUS

STATE OF MAH., THRU. P.S.O, P.S., HIWARKHED, DIST. BULDHANA

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. H. R. Gadhia with Mr. Ankit Sawal, Advocates for the appellant.
Mr. N. B. Jawade, A.P.P. for respondent no.1/ State.

CORAM : G. A. SANAP, J.

DATE : JANUARY 07, 2025.

1. Heard Mr. H. R. Gadhia, learned advocate for the appellant.
2. Leave to amend the prayer clause is granted.
3. Leave to add the informant as respondent no.2, is granted.
4. Necessary amendment be carried out forthwith.
5. This is an appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail.
6. Issue notice to the respondents.
7. Learned Additional Public Prosecutor waives service of notice on behalf of respondent no.1/State.
8. Notice to respondent no.2, returnable within three weeks.
9. In-charge of the concerned police station shall ensure service of notice to respondent no.2 within three weeks.

10. I have gone through the first information report and the other documents. The anticipatory bail has been granted to the remaining accused in this crime. The anticipatory bail to the appellant/accused has been rejected considering the specific role attributed to him. It appears that there was some loan transaction. A nominal agreement was prepared. According to the appellant, he had borrowed a sum of Rs.8,00,000/- (Rupees Eight lakhs only) from respondent no.2 as hand loan. It was a money lending transaction. Respondent no.2 has been misusing the said nominal agreement. He has been pressurizing the appellant to execute the sale deed of the land. A report to that effect was lodged on 05.12.2024 i.e. one day prior to the report in this crime.

11. In the facts and circumstances, till the next date, the appellant/accused deserves protection from arrest. Accordingly, I pass the following order :

(i) In the event of arrest of appellant – Radheshyam S/o Dayaram Sarap, in crime No. 279/2024 registered with Police Station, Hiwarkhed, Dist. Buldhana, for the offences punishable under Section 351(2), 351(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sec. 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one surety in the like amount.

ii] The appellant shall not, in any way, tamper with the prosecution evidence.

iii] The appellant shall not pressurize or threaten the prosecution witnesses.

iv] The appellant shall attend Police Station, Hiwarkhed, Dist. Buldhana, twice a week i.e. on every Thursday and Monday till the next date between 10.00 am and 2.00 pm.

v] The appellant shall cooperate the investigating officer.

vi] The *ad-interim* protection shall remain in force till the next date.

12. Stand over after three weeks.

(G. A. SANAP, J.)