

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1119 OF 2022**

Javed Raza Shroff
Age : 51 Years,
Chariman Habib Group Trusts Mumbai,
R/o. Hazari Baug, 10th Road, Juhu,
Mumbai - 400049

...Appellant

Versus

1. The State of Maharashtra,
(Dongri Police Station)
(through the office of the Government Pleader)

2. Mrs. Bodhi Darastekar,
Age : 32 Years,
R/o. Flat No.1603, Building No.20,
Prabhat Society, Shastri Nagar,
Goregaon West, Mumbai – 400104

...Respondents

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Dr. Yusuf Iqbal Yusuf, Ms. Shaista Pathan, Mr. Parth Sanghrajka i/by Y
& A Legal, Advocate for the Appellant.

Mr. Raja Thakare, Senior Advocate a/w Mr. Akash Kavade, Mr. Kaushik
Waghware, Mr. Aadarsh Joshi, Mr. Hemant Kenjalkar & Mr. B. Mohd.
i/by Bellator Legal Services, LLP, for the Respondent No.2.

Mrs. A.s. Pai, PP a/w Mrs. M.H. Mhatre, APP for the Respondent–State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE OF RESERVING JUDGMENT : 7th DECEMBER ,2022.

DATE OF PRONOUNCEMENT : 20th DECEMBER, 2022.

JUDGMENT – (PER : PRAKASH D. NAIK, J.) :-

1. This is an appeal under Section 14-A of Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter refer to as Atrocities Act). The appellant has

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challenged the Order dated 14th November, 2022 passed by the Court of learned Additional Sessions Judge, Sessions Court, Mumbai in Anticipatory Bail Application No.2420 of 2022.

2. The appellant is apprehending arrest in C.R. No.571 of 2022 registered with Dongri Police Station for offences under Sections 354-A, 504, 506, 509 of Indian Penal Code (for short 'IPC') and Sections 3(1)(W)(I)(II) of Atrocities Act.

3. The First Information Report (for short 'FIR') was registered at the instance of Respondent No.2. The brief allegations in the FIR are as follows :

- i. The complainant belongs to Boudha community and Scheduled Caste. In the year 2012, she joined Habib Ismail Education Trust. She is working with Rahmatbai Habib Girls Primary School Division. She is teaching students of 1st to 4th standard. She worked as co-ordinator during Covid-19 period at Habib Hospital in month of June, July and August. She was directed to visit hospital wards and submit daily report of hospital to Mr. Javed Shroff (Appellant). Although she was working as a teacher, she was asked to do work at hospital and while she protested, the accused used to shout at her causing mental disturbance.

ii. In respect to her complaint dated 19th October, 2022 and 22nd October, 2022 submitted to Dongari Police Station, she stated that while she had joined the school for employment, the Chairman of the trust was Mohib Ali Nasir. He continued to be Chairman till 2018-2019. Presently Mr. Javed Shroff is the Chairman of the trust. While Javed Shroff was Chairman, the complainant was appointed as temporary incharge from 15th August, 2017. She continued to hold that post till 30th August, 2022. The work assigned to complainant included issuing salary to teachers, supervising teachers, distribution of classes to teachers of 1st to 4th standard, performing administrative work. After she was removed from the said post, the said post has been assigned to Kaniz Nanjiyani. The complainant continues to work as teacher having responsibility of 2nd standard. There are 36 girls in her class. In the school there are above 280 girls studying in 1st to 4th standard. The school is aided by Government and Municipal Corporation.

iii. After performing work as incharge, the complainant tendered her resignation. The accused started threatening and pressurizing her to tender resignation of her job as

teacher. While the complainant was working as incharge, she was made to wait under the garb of meeting till late in the night. The accused used to call her in the cabin and touch her inappropriately. The accused used to make What's app calls to her at odd hours which affected her family life. Although the complainant was the employee of school, the accused used to call her to Hotel Marine Plaza for meetings. The meetings were attended by Javed Shroff, Shaukatbhai Manekia, Charniya and Halani who were trustee of the said Trust. The accused used to shout at her in the presence of others in abusive language. She was called cheap and worthless lady in the institution. She was insulted. She was made to wait till 1 o'clock in the night for attending meetings in the school and hotel Marine Plaza. While she was working at Habib Hospital the accused abused her in the presence of people and doctors on the basis of her caste by referring to her as 'Dalit Ladki' and belonging to the lower caste. The accused used to make obscene gestures by looking at her and repeatedly demand sexual favours causing mental trauma to her. Her family life was destroyed. She had no option but to commit suicide. The accused used to pressurize her to

leave the job. She was threatened. There is danger to her family from the accused.

4. The submissions of the learned Advocate for the appellant can be summarized as under :

a. The FIR is false. It is based on concocted version of the complainant.

b. The allegation in the FIR are vague. The period of alleged incidents is not specified. It is alleged that the harassment to the complainant had commenced from 15th August, 2017 onwards. The FIR has been registered after a period of five years from alleged incidents.

c. The complaint is motivated. The complaint was lodged after inquiry was commenced against the complainant.

d. The complaints were received against the complainant from Education Department and the parents.

e. The complaint dated 19th October, 2022 is silent about the alleged incident of outraging modesty, objectionable gestures and abuses on caste. The allegations in the FIR dated 30th October, 2022 are after thought.

f. The complainant had given interview to the newspaper Mid Day and her version was published does not refer to

alleged objectionable conduct of the appellant as reflected in the FIR. The interview was published on 24th October, 2022 which is prior to registration of FIR dated 30th October, 2022.

g. Due to insufficiency and deficiency of service and on going inquiry against Respondent No.2 for her conduct, she was not given extension as interim incharge of Rahmatbai Habib High School for Girls Primary Department since 30th August, 2022. Interim committee was appointed of three senior teachers of Rahamatbai Habib School for looking after school and rectifying mistakes of Respondent No.2 and submit a report on the complaint received against Respondent No.2. The circular was issued on 20th October, 2022. The FIR was registered thereafter on 30th October, 2022.

h. The FIR suffers from *mala fide*. There are no independent witnesses to support the version of complainant. The alleged incident of abuses on caste has not occurred within public view. The allegations are false. The bar under Section 18 of Atrocities Act would not be attracted for entertaining the present appeal seeking pre-arrest bail.

i. Reliance is placed on the following decisions:

i. Prathvi Raj Chauhan V/s. Union of India and Another, AIR 2020 Supreme Court, 1036.

ii. ABC V/s State of Maharashtra And Anr. is delivered by Division Bench of this Court in Criminal Appeal No.19 of 2021.

iii. Sharad Shankarrao ChavanV/s State of Maharashtra And Anr. delivered in Criminal Appeal No.418 of 2012 by the Nagpur Bench of this Court.

5. Learned APP submitted that, the investigation of the case is in progress. The FIR makes out the case against the appellant. The statement of complainant is recorded under Section 164 of Cr.PC. One of the witness Shabir Ali Ahmed Ali Lokhandwala whose statement was recorded, during the course of investigation had submitted complaint against the appellant that he was threatened for withdrawing the statement. The statement of the said witness supports the grievance of the complainant that she was abused on caste. The statement of another witness which supports the version of complainant was recorded under Section 161 and 164 of Cr.PC.

6. Learned Senior Advocate Mr. Thakare appearing for Respondent No.2 submitted as under:

i. The complainant had suffered at the instance of the accused.

- ii.** The FIR makes out the offences of outraging modesty and the offences under the Atrocities Act.
- iii.** Section 18 of the Atrocities Act prohibits the Court for exercise of power under Section 438 of Cr.P.C. in relation to the offences under the said act.
- iv.** *Prima facie* case is made out against the accused. Section 18 would act as a bar for granting relief prayed in this appeal.
- v.** The complainant was made to approach the Police at 1:00 a.m. to record her statement. She has suffered mental trauma.
- vi.** Reliance is placed on affidavit-in-reply filed by Respondent No.2 and the complaint annexed to the said affidavit. It is submitted that complaint dated 22nd October, 2022 addressed to Senior Inspector of Police, Dongri Police Station refers to harassment caused to the complainant by the accused. The complaint refers to the act of inappropriate touching by the accused to the complainant. The complainant was also required to file the Non-cognizable Offence (N.C.) complaint against Smt. Kaniz Naziyani.
- vii.** The complainant was continuously harassed at the instance of the accused.
- viii.** Reliance is placed on the following decisions :

i. Prathvi Raj Chauhan V/s Union of India, AIR 2020 Supreme Court 1036.

ii. Sumitha Pradeep V/s Arun Kumar C.K. and Another, 2022 SCC Online SC 1529.

iii. Vilas Pandurang Pawar and Another v/s State of Maharashtra and Others, 2012 (8) SCC 795.

7. We have perused the FIR, documents forming part of the proceedings and investigation papers. The FIR has been registered on 30th October, 2022. The contents of FIR would indicate that the complainant had joined the concerned school in the year 2012. She was also appointed as a interim incharge. The complainant has alleged that, she had tendered her resignation for the post of interim incharge and thereafter, she was threatened by the accused for tendering her resignation as a teacher. The period of incident of threats is not reflected in the FIR. It is also alleged that she was called in the cabin by the accused/appellant and inappropriately touched by him. The period of the said incident is not mentioned. She was called for attending meetings at Hotel Marine Plaza which was also attended by the appellant and others and she was allegedly abused and insulted by the accused. She was made to wait till late in the night for attending the meetings. The period of

these incidents is also not mentioned in the FIR. It is also alleged that while she was at Habib Hospital, she was abused on caste in the presence of people and doctors. The date of incident is not reflected in the FIR. It is also alleged that accused used to make objectionable gestures at her and give calls to her at odd hours. The period of these acts is also not specified in the FIR. While summarizing the contents of FIR in the concluding paragraph, it is alleged that aforesaid acts were committed by the accused during the period from 15th August, 2017 to 30th August, 2022. It is pertinent to note that the FIR was registered on 30th October, 2022. In the event, such incidents had occurred continuously from 2017 onwards, there is no explanation as to why there were no complaints in the past. The appellant has placed on record the complaint dated 19th October, 2022 addressed to Senior Inspector of Police, Dongri Police Station by Respondent No.2. It bears the acknowledgment of Dongri Police Station dated 20th October, 2022. The alleged complaint was approximately ten days prior to the registration of FIR. The said complaint does not refer to any acts of sexual abuse, demand of sexual favours and abuses on the basis of caste. The appellant has also placed on record the interview published in Mid Day newspaper given by the Respondent No.2 which also does not refer to aforesaid allegations. This interview

was also published few days prior to the registration of FIR. In the affidavit-in-reply filed by Respondent No.2, reliance is placed on complaint dated 22nd October, 2022 purportedly forwarded by Respondent No.2 to Senior Inspector of Police, Dongri Police Station. The said complaint does not bear the acknowledgment of the Police Station. It runs counter to the complaint dated 19th October, 2022. The said complaint refers to the alleged sexual abuse by the accused in his cabin and the fact that the complainant was made to wait till late hours for attending the meetings. Even the said complaint does not specify the date/period of alleged acts committed by the accused. *Prima facie* it appears that the allegations are after thought and concocted.

8. The Investigating Officer has recorded statement of one Shabir Ali Lokhandwala and Smt. Yasmin Arif Khan. Their statements were recorded on 1st November, 2022. On perusal of statement of Shabir Ali Lokhandwala it is apparent that he had served at Habib Hospital during the Covid-19 pandemic period in the year 2020. He has alleged that he was illtreated by the accused and others. He has referred to the alleged abuses on caste made by the accused against the Respondent No.2 which were allegedly heard by him. According to him the incident had occurred in July-2020 at 11:00 p.m. He heard the accused saying that no work

should be provided to Dalits. They are not fit to do any work. It is necessary to note that the complainant had referred to different version regarding abuses on caste. Even if the version of the witnesses is accepted, the alleged incident had occurred in July-2020. The FIR was lodged in October-2022. Thus the incident had occurred more than two years prior to the lodging of FIR. The complainant is silent about the date of said incident. The statement of Yasmin Khan also refers to alleged abuses on caste made by the accused/appellant against the complainant. According to her the said incident had occurred on 15th August, 2021. Thus her version is contradictory to complainant and other witnesses. Even if it is accepted that the incident had occurred in August-2021, even than there is delay of about one year in lodging FIR. Learned counsel for appellant on instructions submitted that both these witnesses are at loggerhead with Trust. Their services were terminated. They are having animosity against the appellant. Thus it can be seen that these two witnesses cannot be termed as independent witnesses. Although the complainant had referred to the fact that the incident of abuses on caste had occurred at Habib Hospital in the presence of several persons, we do not find the statements of any other person recorded in support of version of the complainant.

9. Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 reads as follows :

“18. Section 438 of the Code not to apply to persons committing an offence under the Act. - Nothing in Section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.”

10. In the case of Vilas Pandurang Pawar V/s State of Maharashtra and Others (Supra) it was observed that Section 18 of the SC/ST Act creates a bar for invoking Section 438 of the Code. However, a duty is cast upon the Court to verify the averments in the complaint and to find out whether an offence under Section 3(i) of the SC/ST Act has been *prima facie* made out. In the case of Sumitha Pradeep V/s Arun Kumar C.K. and Another (Supra) the Apex Court was dealing with cancellation of anticipatory bail granted by High Court in a case involving offence under POCSO Act. The Apex Court had observed that in many anticipatory bail matters, it is noticed that one common argument being canvassed that, no custodial interrogation is required and therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that, if no case for custodial interrogation is made out by the prosecution, then that alone would be a good

ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered alongwith other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that, the *prima faice* case against the accused should be ignored or overlooked and he should be granted anticipatory bail. In the case of Dr. Subhash Kashinath Mahajan V/s State of Maharashtra and Another (2018) 6 SCC 454 the Hon'ble Supreme Court had considered the question whether there is an absolute bar to the grant of anticipatory bail under SC/ST Act. The Court referred to several decisions including the decisions in the case of Vilas Pandurang Pawar (Supra) and Shakuntala Devi V/s Baljinder Singh (2014) 15 SCC 521. In Paragraph 56 of the decision it was observed that, there can be no dispute with the proposition that mere unilateral allegation by any individual belonging to any caste, when such allegation is clearly motivated and false, cannot be treated as enough to deprive a person of his liberty without an independent scrutiny. Thus exclusion of provision for anticipatory bail cannot possibly, by any reasonable interpretation, be treated as applicable when no case is made out or allegations are patently false or motivated. If this interpretation is not taken, it may be

difficult for public servants to discharge their *bonafide* functions and in given cases, they can be blackmailed with the threat of a false case being registered under Atrocities Act, without any protection of law. Even a non public servant can be blackmailed to surrender his civil rights. This is not the intention of law. Such law cannot stand judicial scrutiny. It will fall foul of guaranteed fundamental rights of fair and reasonable procedure being followed if a person is deprived of life and liberty. In paragraphs 57 it was observed that exclusion of 438 Cr.PC. applies when a *prima facie* case of commission of offence under the Atrocities Act is made out. On the other hand, if it can be shown that, the allegations are *prima facie* motivated and false, such exclusion will not apply. The decision of Gujarat High Court in Pankaj D. Suthar V/s State of Gujarat (1992) Guj. L.R.405, N.T. Desai V/s. State of Gujarat (1997)2 Guj. L.R. 942 and State of M.P V/s. Ram Krishna Balothia (1995) 3 SCC 221 were referred and in paragraph 60 it was observed that the above Judgments correctly lay down the scope of exclusion as well as permissibility of anticipatory bail in cases under the Atrocities Act. In paragraphs 65 and 71 of the decision it is observed that exclusion of provision for anticipatory bail will not apply when no *prima facie* case is made out or the case is patently false or *malafide*. This may have to be determined by the Court

concerned in facts and circumstances of each case in exercise of its judicial discretion. In cases under the Atrocities Act, exclusion of right of anticipatory bail is applicable only if the case is shown to *bonafide* and that *prima facie* it falls under Atrocities Act and not otherwise. Section 18 does not apply where there is no *prima facie* case or to cases of patent false implication or when the allegation is motivated for extraneous reasons. The view of Gujarat High Court in Pankaj D. Suthar (Supra) and N.T. Desai (Supra) was approved. The conclusions were formulated in paragraph 79 (Paragraph 83 of the same decision reported in AIR 2018 SC 1498) as follows:

“79.1. Proceedings in the present case are clear abuse of process of Court and are quashed.

79.2. There is no absolute bar against grant of anticipatory bail in the cases under Atrocities Act, if no *prima facie* case is made out or where on judicial scrutiny the complaint is found to be *prima facie mala fide*. We approve the view taken and approach of Gujarat High Court in Pankaj D. Suthar and N.T. Desai and clarify the Judgments of this Court in Balothia and Manju Devi.

79.3. In view of acknowledged abuse of law of arrest in the cases under Atrocities Act, arrest of a public servant can only

be after approval by the SSP appointing authority and of a non-public servant after approval of S.S.P. which may be granted in appropriate cases, if considered necessary for reasons recorded. Such reasons must be scrutinized by the Magistrate for permitting further detention.

79.4. To avoid false implication of an innocent, a preliminary inquiry may be conducted by the DSP concerned to find out whether the allegations make out a case under Atrocities Act and the allegations are not frivolous or motivated.

79.5. Any violation of directions (79.3) and (79.4) will be actionable by way of disciplinary action as well as contempt.

79.6. The above directions are prospective.”

11. Pursuant to the aforesaid decision, the Union of India filed a review petitions viz. Review Petition (Cri.) Nos. 228 with 275 of 2018 in Criminal Appeal No.416 of 2018. The review petitions were decided on 1st October, 2019AIR 2019 SC 4917. The Union of India had filed the petition for review of above decision dated 20th March, 2018 in the case of Dr. Subhash Kashinath Mahajan (Supra). In review the Apex Court dealt with the conclusions formulated in the above decision. The Court considered the scope and object of the Act. The final conclusion is reflected in paragraph

67 of the decision in review petition which reads as follows:

“67. We do not doubt that directions encroach upon the field reserved for the legislature and against the concept of protective discrimination in favour of downtrodden classes under Article 15(4) of the Constitution and also impermissible within the parameters laid down by this Court for exercise of powers under Article 142 of Constitution of India. Resultantly, we are of the considered opinion that directions Nos. (iii) and (iv) issued by this Court deserve to be and are hereby recalled and consequently we hold that direction No.(v), also vanishes. The review petition is allowed to the extent mentioned above.”

12. Direction No.(iii), (iv) and (v) which were recalled in above decision relates to approval of the appointing authority before arrest of public servant and SSP before arrest of non-public servant be granted in appropriate cases if necessary for reasons recorded and that reasons be scrutinized by Magistrate for permitting further detention. Conducting preliminary inquiry by DSP to find out whether allegations make out a case under Atrocities Act and that allegations are not frivolous or motivated. Violation of direction (iii) and (iv) will be actionable by way of disciplinary action and contempt. It is pertinent to note that direction No.79.2 (ii) viz., there is no absolute bar against grant of

anticipatory bail in cases under under the Atrocities Act if no *prima facie* case is made out or where on judicial scrutiny the complaint is found to be *prima facie malafide*, was not recalled.

13. Pursuant to the decision in the case of Dr. Subhash Kashinath Mahajan V/s State of Maharashtra (Supra) Section 18-A was introduced in the Atrocities Act which read as follows :

“18-A. (1) For the purposes of this Act. -

(a) Preliminary enquiry shall not be required for registration of a First Information Report against any person; or

(b) the investigating officer shall not require approval for the arrest, if necessary, of any person,

against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply.

(2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court.”

14. In the case of Prathviraj Chauhan V/s Union of India and Others (Supra) the petitioners questioned the provisions inserted by way of carving out Section 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It was submitted that Section 18-A has been enacted to nullify the Judgment in the case of Dr. Subhash Kashinath Mahajan V/s State of Maharashtra and Another (Supra). The Court referred to

conclusions in decision of Dr. Subhash Mahajan (Supra). The Apex Court than observed that it is not disputed at the Bar that the provision of Section 18-A in the Act of 1989 had been enacted because of the Judgment in Dr. Subhash Mahajan's case, mainly because of direction Nos. (iii) to (v) contained in para 83 (AIR 2018 SC 1498). The Union of India had filed review petitions, and the same have been allowed and direction No. (iii) to (v) have been recalled. Thus, in view of the Judgment passed in review petitions, the matter is rendered of academic importance as the Court had restored the position as prevailed by various Judgments that were in vogue before the matter of Dr. Subhash Mahajan (Supra) was decided. Only certain clarification are required in view of provisions carved out in Section 18-A. There can be protective discrimination, not reverse one. It was further observed that concerning the provisions contained in Section 18-A, suffice it to observe that with respect to preliminary inquiry for registration of FIR, the Court has recalled general directions (iii) and (iv) issued in Dr. Subhash Mahajan's case (AIR 2018 SC 1498). A preliminary inquiry is permissible only in the circumstances as per the law laid down in Lalita Kumari V/s. Government of U.P. (2014) 2 SCC 1 shall hold good as explained in the order passed by this Court in the review petitions and amended provision of Section 18-A have

to be interpreted accordingly. Section 18-A (I) was inserted owing to the decision of this Court in Dr. Subhash Kashinath Mahajan V/s State of Maharashtra and Another (Supra) which made it necessary to obtain the approval of the appointing authority concerning a public servant and the S.S.P. in the case of arrest of accused persons. Court had recalled that direction in Review Petition No.228 of 2018 decided on 1st October, 2019 (AIR 2019 SC 4917). Thus the provisions which have been made in Section 18-A are rendered of academic use as they were enacted to take care of mandate issued in Dr. Subhash Kashinath Mahajan V/s State of Maharashtra and Another (Supra) which no more prevails. The provisions were already in Section 18-A of the Act with respect to anticipatory bail. Concerning the applicability of provisions of Section 438 of Cr.P.C., it shall not apply to the cases under the Act of 1989. However, if the complaint does not make out a *prima facie* case for applicability of the provisions of the Act, 1989, the bar created by 18 and 18-A(i) shall not apply. This aspect has been clarified while deciding review petitions.

15. This Court in the case of Mr. ABC V/s State of Maharashtra and Another (Supra) while considering the appeal under Section 14-A of the Atrocities Act for grant of anticipatory bail had referred to the decision in the case of Prathvi Raj Chauhan V/s. Union of

India (Supra) and observed that while considering the question of grant of pre-arrest bail under the Atrocities Act, there is scope for the Court to consider as to whether a *prima facie* case for applicability of the Atrocities Act is made out or not. On the facts of that case the Court noted that there was delay in registration of FIR. There was no reference to the allegation in the complaint lodged prior to registration of FIR. The appeal was allowed by granting pre-arrest bail to the appellant therein.

16. In the case of Swaran Singh and Others V/s. State of Maharashtra and Others, 2008 SCC 435. It was observed that the abuses on the caste should be uttered in the presence of independent witnesses. The independent person may not be those persons who are relatives or friends of complainant.

17. Applying the principles enunciated in the aforesaid decisions to the facts of the present case, we are of the opinion that apparently the allegations in FIR are an afterthought and concocted. The allegations are motivated. The complaint was lodged belatedly. The allegations are vague. The period of occurrences is not specified. Hence, the bar under Section 18 would not be attracted in the present case. For the reasons stated hereinabove, this appeal deserves to be allowed.

18. Hence, we pass the following order;

ORDER

- i. Impugned Order dated 14th November, 2022 passed by Additional Sessions Judge, Mumbai in Anticipatory Bail Application No.2420 of 2022 is set aside.
- iii. In the event of arrest in C.R. No.571 of 2022 registered with Dongri Police Station, Mumbai, appellant be released on bail on his furnishing PR. Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount;
- iv. Appellant shall not contact Respondent No.2 and/or any other witnesses in the present crime or pressurize them.
- v. Appellant shall report Investigating Officer as an when called for after receipt of Notice in writing in that behalf specifying date and time thereof, till the filing of final Report.
- vi. Appeal is allowed in aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]