



This order is corrected pursuant to speaking to minutes order dated 07/10/2024.

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

CRIMINAL APPEAL NO. 654 OF 2024

**ZAHEER ABBAS IKRAM SAYYAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S. R. Andhale, Advocate for the appellants
Miss. D. S. Jape, APP for the respondent/State
Mr. A. E. Madne, Advocate for respondent no.3 (appointed)

AND

CRIMINAL APPEAL NO. 655 OF 2024

**LAILA ZAHEER SAYYED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S. R. Andhale, Advocate for the appellants
Miss. D. S. Jape, APP for the respondent/State
Mr. N. Y. Chavan, Advocate for respondent no.3 (appointed)

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. This is an example as to how the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Indian Penal Code, can be abused by a dishonest person. Here is the case where admittedly there are disputes between appellants and the employer of the informant. The informant apparently is used as a tool to cause harassment to the appellant in this case.

2. First informant lodged report to the police on 31st May, 2024 alleging that on 30th May, 2024 an incident has occurred at around 7.30 pm wherein the appellants along with one unknown person came to the spot. It is alleged that appellant Zaheer had a sickle in his hand and he was accompanied by his wife i.e. second appellant Laila. It is alleged that they raised quarrel with him, threatened him and Zaheer assaulted him with the sickle. It is further alleged that they used abusive language to him and also insulted him over his caste. On the basis of these allegations offence came to be registered against the appellants.

3. Learned counsel for the appellants has drawn attention of the Court to the disputes between the appellants and the employer of the informant. According to him there are criminal complaints lodged against each others, so also disputes are pending before the competent Court. It is his submission that it is a case of false implication as both appellants were not present at the spot of the incident and hence, they seek anticipatory bail.

4. Learned APP opposed the appeals by referring to the statement of witness Satish who claims to have been seen the incident of assault caused on the informant at 7.30 pm on 30/05/2024. It is her submission that having regard to the nature of offence and since the

offence involves used of weapon, custodial interrogation of the appellants is necessary.

5. Learned counsel for the informant raised objection to the maintainability of the appeals on the ground of bar created Section 18 of the Atrocities Act. It is his submission that the statement of the informant is supported by the statement of witness and the injury certificate issued by the Medical Officer.

6. This Court had directed to the Investigating Agency to collect the CCTV footage of the spot of the incident. Though CCTV footage of the spot of the incident is not produced before this Court, however, the report is submitted in respect of CCTV footage in front of the house of the appellants. The report submitted by the Investigating Agency clearly indicates that at the time of occurrence of the incident appellant Laila was present in the house as such she was not involved in the crime. It is thus clear that she being falsely roped in this crime. Apart from this, if the statement of Satish is perused then the same clearly indicates that there was only person present at the spot who has caused alleged assault on the informant. Even if it is accepted that he did not know the assailant, it it was necessary for him to mention presence of three persons at the spot of the incident. Absence of such reference clearly indicates that the appellants were not present at the spot and they are

falsely implicated by the informant and as per applicants at the instance of his employer. Hence, it is a fit case for grant of anticipatory bail. Hence, appeals stand allowed in terms of interim orders dated 24/07/2024 and 13/08/2024. Fees of the appointed counsel is quantified Rs. 3000/- per appeal, which it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp