

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.2507 OF 2017 IN
CRIMINAL APPEAL NO.198 OF 2017

01 Babasaheb Kisan Deokar

02 Dnyaneshwar Baban Deokar

03 Ashok Abhiman Deokar

04 Somnath Jagannath Deokar

Applicants

Versus

The State of Maharashtra

Respondent

Mr.Rajendra G. Hange, advocate with Mr.A.R.Hange, advocate for applicants.

Mr.K.D.Mundhe, A.P.P. for Respondent-State.

**CORAM : R.M.BORDE AND
A.M.DHAVAL, JJ.
DATE : 20th June, 2017.**

P.C. :

1 This is an application seeking enlargement of accused-applicants on bail who have been convicted for commission of offences punishable under Sections 336, 436, 504, 506 and 3(2)(iv) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, read with Section 34 of the Indian Penal Code.

2 Accused-applicants have been sentenced to suffer rigorous imprisonment for one month each for commission of offence punishable under Section 336 read with Section 34 of the Indian Penal Code. They have also been directed to suffer rigorous imprisonment for ten years and to pay fine of Rs.2000/- each, for commission of offence punishable under Section 436 read with Section 34 of the Indian Penal Code. For commission of offence punishable under Section 504 read with Section

34 of the Indian Penal Code, they have been directed to suffer rigorous imprisonment for one year. They have been directed to suffer rigorous imprisonment for two years for commission of offence punishable under Section 506 read with Section 34 of the Indian Penal Code. They have been further directed to suffer imprisonment for life and to pay fine of Rs.2000/- each for commission of offence punishable under Section 3(2)(iv) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act read with Section 34 of the Indian Penal Code. They have also been directed to suffer imprisonment for life and to pay fine of Rs.2000/- each for commission of offence punishable under Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act read with Section 34 of the Indian Penal Code. The substantive sentences of imprisonment are directed to run concurrently.

3 On perusal of the judgment as well as on going through record of the case, we find that the evidence falls short of holding accused applicants no.1, 2 and 3 guilty for the offences alleged against them and that *prima facie*, accused applicants no.1, 2 and 3 are entitled to be released on bail. It is informed that all the accused-applicants were on bail during trial.

4 So far as accused applicant no.4 is concerned, it does appear that two eye witnesses have stated about his complicity in the crime. The *panchanama* of scene of offence also supports contention of the prosecution in respect of occurrence of crime. *Prima facie*, we are of the opinion that, it would not be appropriate, considering the evidence placed on record by the prosecution, to direct release of accused-applicant no.4 on bail.

For the reasons recorded above:

(i) The application is partly allowed. Accused-applicant No.1-

Babasaheb Kisan Deokar, accused-applicant no.2- Dnyaneshwar Baban Deokar and accused-applicant no.3-Ashok Abhiman Deokar, are directed to be released on bail on their furnishing solvent surety in the sum of Rs.1,00,000/- (Rs.One lakh) each with one surety in the like amount. Bail in the trial Court.

(ii) The application, so far as accused-applicant no.4-Somnath Jagannath Deokar, for his enlargement on bail, is concerned, same stands rejected.

A.M.DHAVALÉ
JUDGE

adb/crappln250717

R.M.BORDE
JUDGE

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The office shall ensure preparation of paper book within eight weeks from today. Liberty to the appellants to move for expeditious hearing of the appeal after receipt of paper book.

**A.M.DHAVAL
JUDGE**

adb/crappln250717

**R.M.BORDE
JUDGE**