

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 137 OF 2017**

1. Suraj Anil Patil,
Age: 21 years, Occ.:Agriculture
2. Mahesh Shivaji Chavan,
Age: 22 years, Occ.:Agriculture
3. Yuvraj Vitthal Netke,
Age: 26 years, Occ.:Agriculture
4. Arjun Vasant Takmoge,
Age: 28 years, Occ.:Agriculture
5. Vishwajit @ Pappu Govind Patil,
Age: 26 years, Occ.:Agriculture
6. Govind Bajarang Patil,
Age: 62 years, Occ.:Agriculture
7. Balu @ Subhash Bajarang Patil,
Age: 70 years, Occ.:Agriculture
8. Appa @ Laxman Bajarang Patil,
Age: 58 years, Occ.:Agriculture
9. Balaji Bhimrao Gharbude,
Age: 28 years, Occ.:Agriculture

All residing at Village Shirapur,
Taluka Mohol, District Solapur
(At present Solapur District Prison,
Solapur)

...Appellants
(Orig.Accd.Nos. 1 to 9)

Versus

The State of Maharashtra
(At the instance of Mohol Police Station,
District Solapur vide C.R. No. 61 of 2017)

...Respondent

Mr. Viresh V. Purwant i/b Mr. Vikrant V. Phatate for the Appellants

Mr. H. J. Dedia, A.P.P for the Respondent-State

**CORAM : SMT. V. K. TAHILRAMANI &
REVATI MOHITE DERE, JJ.
TUESDAY, 28th FEBRUARY, 2017**

ORAL ORDER (Per Smt. V. K. Tahiramani, J.) :

1. Heard both sides.
2. The appellants have been arrested in C.R. No. 61 of 2017. The said C.R. is under Sections 143, 147, 148, 336, 427, 504, 506 of the Indian Penal Code and under Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The appellants are now seeking bail.
3. The incident occurred on 22nd January, 2017 at 7:30 p.m. in Village Shirapur. It is the prosecution case that the appellants abused the complainant and others in relation to their caste, the appellants threatened the

complainant to vacate the house which he had taken on rent from accused No. 8. According to the prosecution, in the said incident, the appellants damaged the material in the house, the motorcycle of the complainant and musical instruments. They also assaulted one Saraswati and abused her on her caste and also damaged her house.

4. Learned Counsel for the appellants submitted that the offences under Indian Penal Code are all punishable with imprisonment for not more than 3 years and as far as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned, the offence is under Section 3(1)(r)(s) i.e. the appellants have abused and intimidated the complainant and others for which the maximum punishment is 5 years. Mr. Purwant further submitted that the investigation is almost over. Hence, the appellants may be released on bail.

5. Though learned A.P.P admitted that the investigation is almost over and that the maximum sentence which can be imposed on the appellants, if found guilty is 5 years, however he submitted that on account of this incident, there is a tense atmosphere in the village, hence, the appellants may not be released on bail.

6. Looking to all the above facts, we are inclined to release the appellants on bail. Hence, the following order :

ORDER

(i) The appellants to be released on bail, on each of them furnishing surety in the amount of Rs.30,000/- with one or two sureties to make up the said amount as well as PR Bond in the said amount;

(ii) Till the charge-sheet is filed, the appellants shall not enter Village Shirapur and the appellants shall reside in Tembhurni which is about 90 kms away from the village Shirapur;

(iii) Till the charge-sheet is filed, the appellants shall report to Tembhurni Police Station, every alternate day and after the charge-sheet is filed, they shall report to the Mohol Police Station once in a month i.e. first Monday of every month.

7. The appeal is allowed and is disposed of in the above terms.

(REVATI MOHITE DERE, J.)

(V. K. TAHILRAMANI, J.)