

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 350 OF 2017

1. Abhijit Ramchandra Jadhav
Age – 25 Yrs, Occ : Agri.
2. Avinash Rajendra Jadhav
Age – 21 Yrs, Occ : Agri.
3. Akshay Rajendra Jadhav
Age – 20 Yrs, Occ : Education
4. Sandip Mahadev Jadhav
Age – 40 Yrs, Occ : Agri.
5. Bharat Balu @ Shankar Jadhav
Age – 30 Yrs, Occ : Agri.
6. Shatrughna Balkrishna Jadhav
Age – 28 Yrs, Occ : Agri.
7. Mahesh Suryakant Jadhav
Age – 40 Yrs, Occ : Agri.
8. Sudam Sayaji Jagtap
Age – 25 Yrs, Occ : Agri.
9. Vinod @ Dada Sayaji Jagtap
Age – 28 Yrs, Occ : Agri.
10. Amol Ravindra Jadhav
Age – 19 Yrs, Occ : Education
11. Mangesh Ravindra Jadhav
Age – 21 Yrs, Occ : Agri.

12. Navnath Vishnu Gaikwad
Age – 45 Yrs, Occ : Agri.

All R/o Chimangaon, Tal. Koregaon
Dist. Satara

.. Appellants

Vs.

1. The State of Maharashtra
(At the instance Dy.S.P. Koregaon
Tal. Koregaon, Dist. Satara

2. Shri Mahadev Srirang Bale
Age : 31 years, Occ. Agri.
R/O Chimangaon, Tal. Koregaon
Dist. Satara

.. Respondents

Mr.Rahul K. Dhaygude, for the Appellants.
Mr.H.J.Dedia, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

26th APRIL, 2017

ORAL ORDER (PER SMT. V.K.TAHILRAMANI, J.) :

1. Heard both sides.
2. This Appeal is preferred by the appellants No.1 to 12 against the order dated 05/04/2017 passed by the learned Special Judge and Additional Sessions Judge, Satara in Criminal Bail Application No. 143 of 2017. This bail application was

preferred by all the appellants seeking anticipatory bail in C.R. No. 55 of 2017 registered with Koregaon police station, District Satara. The said C.R. is under sections 143, 147, 148, 324, 504, 506 read with 149 of IPC and section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. By order dated 05/04/2017, the Bail Application No. 143 of 2017 preferred by all the appellants came to be rejected. Hence, this Appeal.

3. It is the case of the complainant that on 19/03/2017 at about 7. 00 p.m., the accused persons abused him in relation to his caste and threatened him and also assaulted him and his parents with fist blows, kick blows and wooden log.

4. Learned Counsel for the appellants pointed out that none of the names of present appellants are found in FIR i.e. in the FIR the complainant has not stated about presence of any of the appellants. Their names were only in the further statement of the complainant. He submitted that this clearly shows that present appellants have been falsely implicated by the

complainant on account of after thought. Prima facie, we find much merit in this submission. In the FIR no role of abusing the complainant or any of his family members or assault on the complainant or any of the family members is attributed to any of the present appellants. We have also perused the injury certificate of the complainant and his parents which shows that they had sustained simple injuries. The history given by the complainant when he was medically examined is that he was assaulted with hand and one C.L.W was found on his body which was simple. As far as father of the complainant is concerned, he has also sustained simple injury on his hand and on his scapula. The mother of the complainant has sustained one simple injury i.e. abrasion on her left hand. Thus, it is seen that the injuries are simple injuries and superficial in nature.

5. Looking to the fact that the names of none of the appellants are stated in FIR and in FIR no role is attributed to them, we find much merit in the submission of the learned Counsel for the appellants that appellants have been falsely

implicated in this case. In this view of the matter, we are inclined to grant anticipatory bail to the appellants. Hence, the following order.

ORDER

1. In the event of arrest, each of the appellants i.e. appellants No. 1 to 12 to be released on bail in the sum of Rs.25,000/- each with one or two sureties to make up the said amount and P. R bond in like amount.
 2. The appellants shall report to Koregaon Police Station, Dist. Satara from 03/05/2017 between 11.00 a.m. to 1.00 p.m. for a period of 7 days and thereafter as and when called.
6. Appeal is allowed in the above terms.

(M.S.KARNIK, J.)

(SMT. V.K.TAHILRAMANI, J.)