

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.505 OF 2017

1 Santosh Navnath Jadhav
2 Navnath Jaywant PawarAppellants
V/s.
The State of MaharashtraRespondent

Mr. Priyal G. Sarda, Advocate for Appellants.
Mr. H.J.Dedia, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : June 28, 2017.

P.C. :

Appellants-Original Accused Nos.1 and 4 have preferred this appeal against the order dated 26.5.2017 passed by the Additional Sessions Judge-3, Solapur in Bail Application preferred by the Appellants. By the said order, prayer of the Appellants for being released on bail in C.R.No.170 of 2017 of Kurduwadi Police Station, Solapur came to be rejected. The said case is registered under Sections 354, 323, 504, 506 read with Section 34 of IPC and under Sections 3(1)(r)(s), 3(1)(w)II of Prevention of Atrocities Act.

2 The case of the first informant is that on 10.5.2017 at about 5 p.m., she was working in her agricultural land. The Appellant No.1 was working in his agricultural land which is situated adjacent to the land of the first informant. Work was going on with JCB machine in the land of the Appellant No.1. Hence, the first informant told them that they should not level the land next to her agricultural land. At that time, Kaverabai who is mother of the Appellant No.2 abused the first informant. The Appellant No.2 broke mangalsutra of the daughter-in-law of the first informant and he caught her blouse and pushed her. Thereafter, quarrel took place between the first informant and her relatives on one side and both the appellants on the other side. Both the appellants then abused first informant in relation to her caste. The appellants were arrested on 11.5.2017 since then they are in custody.

3 The learned APP stated that the accused have threatened the complainant that on being released on bail ,

they will set her house on fire. Hence, bail should not be granted to the appellants. As far as this contention is concerned, it is seen that co-accused Asha Jadhav and Kavera Pawar had threatened the first informant in this manner and it is noticed that none of the present appellants had threatened the first informant in this manner.

4 Looking to the allegations stated in the FIR, we are inclined to grant bail to both the appellants. Hence, the following order:

(I) Each of the Appellants be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount and P.R.Bond in the like amount.

(II) The appellants shall report to Kurduwadi Police Station, Solapur every alternate day for a period of 15 days and thereafter, once in a month, i.e, on the first Monday of every month.

5 The appeal is allowed in above terms.

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