

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 679 OF 2017

1. Bharat Ashok Mande	)	
2. Bajirao Chintaman Nawle	) ...	Appellants
Vs.		
The State of Maharashtra & Anr.	...	Respondents

WITH
CRIMINAL APPEAL NO. 680 OF 2017

Uttam Rambhau Mande	..	Appellant
vs.		
The State of Maharashtra & Anr.	..	Respondents

Mr. Datta Mane, for the appellant (in both matters)
Mr. A.R.Kapadnis, APP, for the State.
Mr. Atul Anand Donde, respondent No.2 present.

**CORAM: RANJIT MORE &
SMT.SADHANA S.JADHAV, JJ.**
DATE : 25th September, 2017.

P.C.

The appellants in Criminal Appeal No.679 of 2017 are the original accused Nos. 1 and 2 and the appellant in Criminal Appeal No.680 of 2017 is the original accused No.3 in the FIR No.111/2017 registered with Ghoti Police Station, Taluka Igatpuri, Dist. Nashik at the instance of respondent No.2 – complainant Atul Anand Donde for the offences punishable under Sections 420, 409, 323, 143, 147, 149, 394, 395, 504,

506, 120B read with Section 34 of the Indian Penal Code and under Section 3(1)(x) and 3(2)(vii) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The appellants in both the Appeals applied for anticipatory bail before the Sessions Court, Nashik. By the impugned order dated 15.7.2017, the same was rejected. Therefore, they are before this Court by way of the aforesaid Appeals.

3. The original complainant – Atul Donde has filed an affidavit dated 25.9.2017. In paragraph 4 thereof, he states that the FIR is registered by him out of misunderstanding and in para 8, he has given no objection to the grant of anticipatory bail to the appellants. The complainant – Atul Donde is personally present before this Court and states that the appellants in both the Appeals may be released on anticipatory bail. The said affidavits in both the Appeals are taken on record.

4. In the aforesaid peculiar facts and circumstances of the case, we pass the following order :-

ORDER

- (i) Both the Appeals are allowed.
- (ii) The impugned order dated 15.7.2017 passed by the Addl. Sessions Judge-4, Nashik in Criminal Misc. Bail Application No.818 of

2017 (which is the subject matter of both the Appeals) is hereby quashed and set aside.

(iii) In the event of their arrest, the appellants in Criminal Appeal No.679 of 2017 and Criminal Appeal No.680 of 2017 shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

Both the Appeals are disposed of.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE,J.)