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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 789 OF 2017

1. Avinash @ Rocky Bhausahab Jadhav
2. Kalyan @ Kalya Popat Jadhav
3. Ankush Lalaso Jadhav
4. Chetan @ Savtya Pandurang Jadhav
5. Abhijeet Dhananjay Shinde

.. Appellants

Vs.

1. State of Maharashtra and anr.

.. Respondents

Mr. R. S. Kate for appellants.

Mr. S. R. Shinde, APP for State.

Mr. Ravindra A. Lokhande a/w Mr. Milind Gaware i/by Mr. Ajay Khairnar  
for respondent no.2.

CORAM: NARESH H. PATIL &  
A. M. BADAR, JJ.

DECEMBER 12, 2017.

P.C.

1. Admit. By consent of the parties, heard finally.
2. On a complaint lodged by the respondent no. 2 – complainant  
against the appellants, FIR No. 0310 dated 14/8/2017 came to be  
registered by the Wadgaon Nimbalkar Police Station for offences

punishable under Sections 143, 147, 148, 149, 324, 323, 504, 506 of the IPC, under Sections 3(1) (r)(s), 3(2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 6 of the Protection of Civil Rights Act. The appellants applied for anticipatory bail, which application was numbered as 547 of 2017. By an order dated 14/9/2017, the Additional Sessions Judge, Baramati, Pune rejected the said application.

3. The learned counsel appearing for the appellants submitted that a false case has been registered against the appellants. They are innocent. They were not present at the spot when the alleged incident took place. They are ready to cooperate with the Investigating Officer.

4. The learned APP submitted that the investigation is practically complete. The police have recorded the statements of persons, collected injury certificate, caste certificate and had drawn spot panchanama. In view of the learned APP a case is made out showing involvement of the petitioners in the alleged offence. He prayed for dismissal of appeal. The learned counsel appearing for the respondent no. 2 – original complainant submits that taking benefit of the interim protection granted by this court,

the accused are threatening the complainant. A strong prima facie case is made out against the accused. The police had investigated and collected necessary material to justify the allegations made by the complainant.

5. We have perused the record, FIR, order passed by the learned Additional Sessions Judge, Baramati.

6. Prima facie, we find that allegations attracting the offences punishable under Section 3(1) (r)(s), 3(2)(v-a) of the Scheduled Caste and Scheduled Tribes Act are made against appellant-accused no.1 - Avinash @ Rocky Bhausaheb Jadhav. Rest of the appellants-accused are alleged to have assaulted the complainant. The injury certificate shows blunt injury, simple in nature. The complainant and the accused are resident of same village i.e. Kambaleshar, Taluka – Baramati, Dist. Pune. Taking into consideration the facts and circumstances of the case and the allegations made we are of the view that prayer made by the appellant no.1 deserves to be rejected as the prima facie case is made out against him. As regards the rest of the appellants-accused nos.2 to 5, we find that they deserve to be enlarged on anticipatory bail on certain conditions.

7. The appeal is partly allowed. Prayer of appellant – accused no.1 - Avinash @ Rocky Bhausahab Jadhav for releasing him on anticipatory bail is rejected. In the event of their arrest, in connection with C.R. No. 310 of 2017, registered with Vadgaon Nimbalkar Police Station for offences punishable under Sections 3(1)(r)(s), 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Sections 143, 147, 148, 149, 324, 323, 504, 506 read with Section 34 of IPC and Section 6 of Protection of Civil Rights Act, Appellant No. 2 - Kalyan @ Kalya Popat Jadhav, appellant no.3 - Ankush Lalaso Jadhav, appellant no. 4 - Chetan @Savtya Pandurang Jadhav and appellant no.5-Abhijeet Dhananjay Shinde are directed to be enlarged on bail in the sum of Rs.25,000/- each with one or two sureties in the like amount on the conditions that they shall not tamper with the evidence, shall not extend threats to the complainant and the prosecution witnesses in any manner. In case of violation of the conditions of bail, the prosecution is entitled to move for cancellation of bail.

8. We direct the Investigating Agency to file final report within two weeks from today. We direct the Superintendent of Police, Rural,

Pune to call for information and explanation from the concerned IO as to why final report could not be filed inspite of offence being registered in the month of August, 2017. The Superintendent of Police shall also call for information from the concerned police stations of the District as to how many cases registered under the SC and ST Act are pending investigation for more than three months. A compliance report shall be submitted to this court after three weeks.

9. Appeal is disposed of accordingly.
10. Stand over after three weeks for compliance at 3.00 p.m.
11. The Registry and learned APP to communicate this order to the Superintendent of Police, Rural, Pune.

**(A. M. BADAR, J.)**

**(NARESH H. PATIL,J.)**