

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.774 OF 2018

Govind Dattatray Bhagwat

R/o. At Post – Tamaswadi,

Tal. - Niphad, Nashik

(At present in Nashik Road

Central Prison)

... **Appellant**

V/s.

1] The State of Maharashtra

(At the instance of the P.I.-

Saykheda Police Station, Nashik)

2] Uttam Dashrath Nirbhawane

R/at:Jalgaon,

Tal-Niphad, Dist-Nashik.

... **Respondents**

Mr.Aniket Nikam i/b. Mr. Aashish Satpute for the appellant.

Mr.A.R. Kapadnis, APP for the respondent /State.

CORAM : A.M.BADAR J.

DATED : 19th JULY 2018.

ORAL JUDGMENT :

1. None for respondent no.2 despite service.

2. Heard.

3. Admit.

4. Heard finally.

5. By this Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant / original accused is challenging order dated 13th June, 2018 passed by the Additional Sessions Judge, Niphad in Criminal Miscellaneous Application (Bail) No.186 of 2018 thereby rejecting the application for regular bail moved by the present appellant/accused.

6. Heard both sides and perused the record made available including the First Information Report.

7. Crime No.I-11/2018 for offence punishable under Section of the Indian Penal Code as well as under Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act came to be registered against the present appellant with Police Station Saykheda Police Station, Nashik on the report lodged by Uttam Nirbhawane. The appellant was then arrested and since then he is detained as under trial prisoner. Allegations against him, are to the effect that he obstructed the first informant Uttam Nirbhawane near Bus Stand of Saykheda and

questioned him regarding his acts of bringing corruption at Tanaswadu Grampanchayat to the knowledge of all and sundry. It is averred that then casteist abuses were given to the first informant apart from threat to his life.

8. Considering the nature of the allegations made against the present appellant / accused his further pre-trial detention is not warranted. The learned Trial Court erred in rejecting his bail application, merely on the ground that there is threat to the life of the first informant. It is further held that the applicant was absconding, though there is no material to come to that conclusion. In this view of the matter, impugned order cannot be sustained and therefore the following order;

:: ORDER ::

- (i) The appeal is allowed.
- (ii) The impugned order dated 13th June, 2018 passed in Criminal Miscellaneous Application (Bail) No.186 of 2018 between the parties by the Additional Session Judge, Niphad, is quashed and set aside.

- (iii) The appellant is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.

Vina
Arvind
Khadpe

Digitally
signed by
Vina Arvind
Khadpe
Date:
2018.07.19
13:37:53
+0530

(A.M.BADAR J.)