

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1478 OF 2018**

1 Mr. Nayan Sadashiv Patil
2 Mr. Mayur Madhukar Gharat
3 Mr. Akshay Sadashiv Patil
4 Mr. Bhushan Avinash Patil
(At present Thane Central Prison) Appellants

Vs.

1. The State of Maharashtra
Thru' Padgha Police Station

2. Kailash Yashwant Jadhav
At Khanbala, Tal. Bhiwandi,
Dist. Thane Respondents

Mr. Anshul Anil Sontakke a/w Mr. Rohan N. Hogle for the Appellants.

Mr. S.H. Yadav APP for the State.

Mr. Vijay Surve, PSI, Padgha Police Station, Thane (Rural) present.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 19th December 2018

P.C.:

1 Heard the respective counsel. Leave to correct cause title.

2 This is an appeal under Section 14A of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989.

3 The appellants herein are arrested on 18th November 2018 and are in custody since then in Crime No. 271 of 2018, registered at Padgha police station, for the offences punishable under Sections 3(2)(6) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 and Sections 341, 343, 149 of Indian Penal Code.

4 This Court had issued notice to the original complainant-Kailash Yashwant Jadhav. Today, the investigating officer is present. The investigating officer had served copy of the notice to the respondent. None appears for the respondent–the original complainant.

5 It is the case of the prosecution that on 11th November 2018, one Kailash Jadhav lodged a report at the police station that on 19th August 2018, when he was returning in his Wagon-R car at about 3.30 p.m, an accident had occurred. The car belonging to the appellants had dashed with Wagon-R car. The mirrors of both the

cars were broken. Since both the parties were known to each other, the dispute was resolved there and then.

6 It is alleged that on 10th November 2018, when the complainant was returning home in his car bearing registration number MH-04 JM 0761, the present appellants had apprehended him near the garage. That they had picked up quarrel with him on account of dispute, which was already resolved on 19th August 2018. That they had abused the complainant by referring to his caste. It is alleged that the complainant was assaulted and threatened of dire consequences. He had lost Rs.3,000/- in the said accident and that his driving licence was also taken away and hence he lodged a report.

7 The appellants have been in custody for a month. In the given facts of the case, further incarceration of the appellants would be unwarranted and unjustified and hence, the appellants deserve to be enlarged on bail. In any case, it was only a cause of accident and misunderstanding between the parties.

8 Perused the papers of investigation. The injury certificate of Kailash Jahav i.e. the complainant would show that he has sustained blunt trauma to shoulder, arm, legs, right joint hip. They are described a simple injuries. On considering the papers of investigation and submissions advanced, this court is of the opinion that the appellants have made out a case for grant of bail. Hence, the order :

ORDER

- i) The appeal is allowed and stands disposed of.
- ii) The appellants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.
- iii) The appellants shall be released on cash bail and they shall furnish solvent sureties to the satisfaction of the Special Court at Thane within six weeks.
- viii) Parties to act on authenticated copy of this order.

(Smt. Sadhana S. Jadhav, J)