

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.654/2018

Sau. Sayabai W/o Namdev Kalapad and others

..Vs..

State of Maharashtra, through Police Station In-charge Officer, Aansing Police
Station, Tq. and Distt. Washim and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Wathore, Advocate for the appellants.

CORAM : Z.A. HAQ, J.

DATE : 31.10.2018.

CRIMINAL APPLICATION (APPA) NO.1071/2018

For the reasons stated in the application, it is
allowed. The amendment be carried out forthwith.

CRIMINAL APPEAL NO.654/2018

Heard.

Issue notice to the respondents, returnable on
19th November, 2018.

Shri H.D. Dubey, A.P.P. waives notice for the
respondent No.1/ State.

The appellants / accused are arrested on 3rd
October, 2018 in connection with Crime No.205/ 2018
registered by the respondent No.1 / State for the offence
punishable under Sections 143, 147, 148, 149, 447, 294,
323, 352, 379, 506 and 201 of the Indian Penal Code
and Section 3(2)(v) and Section 3 of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989. The crime is registered on the complaint
lodged by the respondent No.2. The facts on record

show that there is some dispute between the accused and the complainant regarding possession of agricultural land and carrying out the agricultural operations / harvesting of crops. According to the complainant, the accused forcibly entered the field and took away soyabean crop. Though worth of soyaben crop is not on record, on instructions, learned A.P.P. has submitted that soyabean crop was worth Rs.1,00,000/- to Rs.1,20,000/-.

Considering that the appellant No.1 is a woman, aged about 63 years, the appellant No.2 is aged about 26 years and appellant No.3 is aged about 25 years, accepting the statement made by the appellants in ground (viii) of the appeal that any other crime / offence is not registered against them, following interim order is passed:

(i) The appellants be released on bail provisionally, until further orders, on furnishing cash security of Rs.1,00,000/- (One Lakh). The cash security shall be furnished before the Additional Sessions Judge, Washim. In addition to cash security, the appellants shall furnish solvent surety for Rs.20,000/- (Twenty Thousand) for each of the appellant.

(ii) Until further orders, the appellant No.2 - Gunaji @ Vinod S/o Namdev Kalapad and appellant No.3 - Sandip S/o Abhiman Savant shall not enter the village Somgavhan and village Barma, Tq. and Dist. Washim, except for attending the concerned police station.

CRIMINAL APPLICATION (APPA) NO.1082/2018

In view of above order, this application praying for grant of ad-interim relief does not survive and is **disposed** accordingly.

JUDGE

Tambaskar.