

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1235 OF 2019

Sachin Suresh Joshi (Agnihotri) & Ors. ... Applicants

Versus

The State of Maharashtra & Anr. ... Respondents

...

Mr. Yogiraj Purwant for the Applicants.

Mrs. Jyoti S. Lohokare APP for the Respondent/State.

CORAM: P. N. DESHMUKH, J.

DATED : 17th OCTOBER, 2019.

P.C:-

1. None for the respondent No.2, though served.
2. Heard.
3. Admittedly, chargesheet in this crime is already filed before the Special Court. Learned counsel for the appellant submits that relations between appellants and respondent No.2 are strained, since prior to incident, which is alleged to have occurred on 26th January, 2018 in field bearing Gat No.31

alleged to be owned by the complainant, contending that in fact complainant is not lawful owner of said agricultural land and in fact, according to the documents of compilation which is placed on record and by referring to documents of Revenue Officer, it is submitted that respondent No.2 did not produce any document establishing his ownership over Gat No.31.

4. Perusal of report would reveal that on 26th January, 2018 after complainant visited field Gat No.31 noticed that Toor crops were harvested in his field by the appellants and therefore, quarrel took place amongst them in the field with appellant Nos. 1 to 4, when they are stated to have referred respondent No.2 by his caste. Admittedly, relations between appellants and respondent No.2 are found strained as before registration of present crime on the basis of orders of the Learned Magistrate issued under Section 156(3) of Cr.P.C., respondent had lodged complaint against the appellants and in response to same, appellants have submitted their say with the police and thereafter, on a complaint filed by respondent No.2 order is passed by the learned Magistrate Court for registration

of offence on enquiry under Section 156(3) of Cr. P.C., copy of same is filed on record and marked as "X" for identification.

5. In the light of above facts and from the complaint as prima facie it is seen that there are no specific allegations made against appellants but as appellants appears to have referred the complainant by his caste and since, it is also noted that except for referring complainant by his caste, he is not abused on caste basis. Appeal is liable to be allowed more particularly, as the investigation is complete and chargesheet is filed. Hence, following order:-

ORDER

1. In the event of arrest of the appellants in C. R. No. 42 of 2019 registered by Barshi Taluka Police Station, District-Solapur, they shall be released on bail on their executing P. R. Bond in the sum of Rs.15,000/- each with one surety each in the like amount.

2. Appellants shall attend Investigating Officer, if called.

3. Appeal stands disposed of.

(P. N. DESHMUKH, J.)