

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No. 1319OF 2018

WITH
CRIMINAL APPEAL No. 1145 OF 2018

Mr. Shailesh Dhananjay Chavan for Appellants
Mr. S.S. Pednekar -APP for the State
Mr. N.B. Dhaygude, Head Constable, Faltan Police Station
(Gramin)

DATE : FEBRUARY 22, 2019

1. Heard. None appeared for Respondent No.2 on 22nd January, 2019 and in order to give a fair opportunity to Respondent No.2, the matter was adjourned to 8th February, 2019. Today also none appears for Respondent No.2.

2. It is the case of the prosecution that on 27th August, 2018, Govind Dattu Pawar has lodged a report at the police station alleging therein that on 24th August, 2018 his friends Ajinkya Phule and Kiran Khok had been to his house and had inquired with him as to whether he had made fun of them on cell phone No. 8408967189. At that time, they had again received a phone call from the said number. He had kept the cell phone on speaker

mode. The caller was inquiring about the complainant and the caller was abusing him. The caller and others had called him at Primary School. They had been to the primary school where the complainant and his friends were assaulted with kick and fist blows and were abused by referring to his caste.

3. In view of this, according to the Complainant, the accused persons i.e. the Appellant Akash Sabale and Akshay Vilas Pawar and others had committed for the offence punishable under Sections 143, 147, 148, 149, 504 of the Indian Penal Code and under Section 3 (R) (S) (V), 3 (a) RS, 3 (2) (v) (a) of Scheduled Caste Scheduled Tribes (Prevention of Atrocities) Act.

4. The learned APP, upon instructions, submits that the investigation is completed and charge-sheet is filed in the present case on 3rd December, 2018.

5. In view of this, the custodial interrogation of the Appellants would not be imperative. Hence the Appellants deserve to be granted pre-arrest bail. The interim relief granted vide order dated 26th November, 2018 stands confirmed on same terms and conditions. Appeals are disposed of.

[SMT.SADHANA S. JADHAV, J.]