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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1182 OF 2019

1)Dattatraya Digambar Ubale
2) Saudagar Suresh Devmane ...Appellants
vs.
The State of Maharashtra and Anr. ...Respondents

Mr.Mr.Priyal Sarda for the Appellant
Ms Jyoti Lohokare, APP for the State

CORAM : P.N.DESHMUKH,J.
DATE : SEPTEMBER 23, 2019

P.C.:

1 Appellants No.1 Dattatraya Digambar Ubale and 2 Saudagar Suresh Devmane involved in Crime No.309 of 2019 registered with Kurundwadi Police Station, Kolhapur had filed this Appeal against rejection of their application for grant of bail by the learned Sessions Judge, Barshi. The learned counsel for the appellant submitted that their involvement is based on false report which is belatedly lodged after the alleged incident dated 8th July 2019 and the FIR is lodged on 14th August 2019. By going through the contents of the report, it is further submitted that such false report is made on the basis of the some incident which has occurred in February 2019, when the complainant's house is alleged to be demolished by the applicant No.2. It is alleged that on 8th July 2019, both the appellants abused complainant on his caste in presence of Jaysing Ubale, Madhukar Vitthal Patil and Tanaji Agatrao Ubale.

2 It is further submitted that according to the contents of

the report, though appellants are alleged to have abused complainant on caste basis in presence of three persons who intervened quarrel, no such fact took place, and therefore, prays that application be allowed.

3 On instructions, the learned APP makes a statement that though investigation is complete, no charge sheet is filed since it is pending for scrutiny and had made available copy of charge sheet. It revealed that appellants were committed to judicial custody on production after their arrest. Perusal of the statement recorded during the course of investigation particularly of the witnesses Jaysing Ubale, Madhukar Vitthal Patil and Tanaji Agatrao Ubale named in the FIR did not implicate appellants in any manner except for their involvement in the incident which took place on 8th July 2019 as according to their statements altercation took place between the complainant and accused persons. They are not aware if the appellants have abused the complainant on the caste. Other statements forming part of case diary are hearsay, so far as provisions of Scheduled Castes and Scheduled Tribes Act are concerned.

4 In that view of the matter, appeal is allowed by passing following order:

(I) In the event of arrest of Appellants in Crime No.309 of 2019 registered with Kurundwadi Police Station, Kolhapur, appellants 1) Dattatraya Digambar Ubale and 2) Saudagar Suresh Devmane shall be released on bail on their executing P.R.Bond in the sum of Rs.15,000/- (fifteen thousand only) each with one surety each in the like amount;

(II) Appellants shall attend the Investigating Officer if called till the filing of the charge sheet.

(P.N.DESHMUKH,J.)