

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.250 OF 2020

SURESH KALUBA LANGOTE
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPEAL NO. 251 of 2020

RAMESH SURESH LANGOTE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Appellant : Shri Bhosle Abhaysinh K.
APP for Respondent 1 : Shri Patil K.S.
Advocate for Respondent 2 : Shri Humne M.B.

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CORAM : RAVINDRA V. GHUGE & B. U. DEBADWAR, JJ.
Dated: October 14, 2020

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PER COURT :-

1. By these appeals, these two appellants, who are are accused Nos.1 and 2 in Sessions Case No.316 of 2019, seek regular bail. Ramesh has preferred a second application before us, he having withdrawn his Criminal Appeal No.528 of 2019. Suresh has preferred this appeal for the first time in view of his application having been rejected by the Sessions Court vide order dated 22.1.2020 below Exhibit 15.

2. We have heard the learned Advocates for the appellants and the original complainant - respondent No.2 herein and the learned

APP on behalf of the State.

3. These two appellants are said to have committed an offence on 28.2.2019 at about 2.00 pm in the land of one Smt. Laxmi Bare at village Salwalgaon, Tahsil Paithan, District Aurangabad. Suresh along with Ramesh and some more persons reached the spot of the crime on three mother-cycles. They were about nine in numbers. A stone was wrapped in a cloth held by Suresh and he started assaulting members of the Pardhi community. On account of the assault, Sabashya died due to brain injury caused by the stone. Other members of the Pardhi community were assaulted by using sticks and kick blows. One Meena, daughter of the deceased, suffered injuries to her spine at L3 and L4 segment. The first information report was lodged instantly on 28.2.2019. The informant filed his supplementary statement on 4.3.2019 after he could identify Suresh. Both these appellants were arrested on 5.3.2019.

4. Some of the accused approached this court by filing Criminal Appeal Nos.585 and 595 of 2019. These appeals were filed since the trial Court had rejected their applications under Section 439 of the Code of Criminal Procedure. Charges punishable under Sections 302, 307, 324, 143, 144, 147, 148, 149 and 506 of the Indian Penal Code read with Sections 3(1)(r)(s)(u) and Section 3(2)(v-a) and (v) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, are set out in the First Information Report.

5. The learned APP has strenuously opposed these appeals by contending that Ramesh was not granted bail by this Court on 19.7.2019. Suresh had not applied for bail. This Court had taken a view that as a death has been caused, bail was refused to Ramesh after about 4 months of his arrest. It is, however, informed that the investigation is complete, charge sheet has been filed and the hearing in the case could be expedited.

6. Prima facie, we find that it was accused No.1 Suresh, who used a stone of about 1 kg. as a weapon by wrapping it in a cloth (as a sling). Said stone was struck on the head of Sabashya. Sticks were also used to beat the members of the Pardhi community. Meena Chavan, daughter of the deceased, also got hit by a blunt weapon, since she was trying to rescue Sabashya. Sharp weapons like swords, knives were not used, though this would not reduce the gravity of the offence. However, both these appellants have spent more than eighteen months behind the bars and the case is likely to be decided in the near future. If stringent conditions are imposed upon them, they could be released on bail.

7. In view of the above, these appeals are allowed on the following conditions:-

(A) Appellants Suresh and Ramesh shall tender cash surety of Rs.20,000/- (Rs. Twenty thousand only/-) each and a surety of like amount, each.

(B) Both - Suresh and Ramesh shall not enter Bhamberi village as well as the Paithan taluka for a period of one year.

(C) As these appellants are willing to reside in Ambad taluka, they shall mark their attendance at the Ambad Police Station for marking their attendance on every Tuesday and Saturday in between 11 am and 1 pm.

(D) The appellants shall not attempt to contact the complainant, injured victims, their relatives and any such person, who is likely to be a witness in the case, in any manner whatsoever, until the trial is complete and shall not attempt to tamper with the evidence and witnesses.

(E) They shall intimate their present address at Ambad and their cell numbers registered in their names, to the trial Court well as the Police Station. Any change in this information shall be promptly intimated to the trial Court and Police Station within one week of such a change.

(F) After the trial commences, if the days of reporting to the police station overlap the dates before the trial Court, the appellants would mark their attendance before the trial Court.

(G) Their attendance in the Police Station shall be recorded by the S.H.O. in the Station Diary by obtaining their signatures.

(H) Any violation of the conditions of bail would be a good ground for cancellation of bail.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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