

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 425/2020

WITH

CRIMINAL APPEAL NO. 426/2020

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Arpit Rajendra Jaiswal,
Age – 27 years, Occ. Business,
R/o. Satav Chowk, Jatharpeth,
Tah. & Dist. Akola.

.... APPELLANT

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
P. S. Old City, Akola,
Tq. & Dist. Akola.

2. Sanjay Jagdeo Hatole,
Aged about ____ years,
Occ. Labourer,
R/o. Bhagirathwadi, Washim
By Pass, Old City, Akola,
Tq & Dist. Akola.

.... RESPONDENTS

Shri A. R. Deshpande, Advocate for Appellant.
Ms. M. Deshmukh, Addl. Public Prosecutor for respondent No.1
Shri S. V. Shirpurkar, Advocate for respondent No. 2.

CRIMINAL APPEAL NO. 426/2020

Rajnikant Namdeorao Satav,
Age – 38 years, Occ. Service,
R/o. Tapadia Nagar,
Tah. & Dist. Akola

.... **APPELLANT**

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
P S. Old City, Akola,
Tq. & Dist. Akola.

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By Pass, Old City, Akola,
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.... **RESPONDENTS**

Shri A. R. Deshpande, Advocate for Appellant.
Ms. M. Deshmukh, Addl. Public Prosecutor for respondent No.1
Shri S. V. Shirpurkar, Advocate for respondent No. 2.

CORAM : VINAY JOSHI, J.

DATED : 06.11.2020

JUDGMENT

Heard.

2. **Admit.**

3. The challenge in these appeals is to the even date orders of rejection pre-arrest bail in Misc. Criminal Application Nos. 692/2020 and 705/2020. The applicants have reason to believe that they may be arrested in Crime No. 381/2020 registered at Police Station Old City, Akola for the offence punishable under Sections 323, 324, 504, 506, 342, 365 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s)(5), 3(2)(5)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC and ST Act'). The Sessions Court refused to grant discretionary relief vide impugned orders.

4. Learned counsel for the appellants would submit that the informant has lodged false complaint against applicants in order to avoid payment of due amount. He would submit that the informant himself has executed an agreement about immovable property. He

attracted my attention to the portion of impugned order to state that before the Trial Court, informant has made a statement that he has no grievance and complaint was filed under misconception. After issuance of notice, informant has appeared through learned Advocate Shri Sirpurkar and filed affidavit reiterating that due to misunderstanding and out of fear, he has filed complaint. Besides that on perusal of First Information Report, it reveals that there are no allegations of abduction which appears to be latter on added in additional statement. There is delay of two days in lodgement of First Information Report. Though Additional Public Prosecutor resisted the application by filing reply-affidavit, however, for the purpose of deciding bail application, the statement made by the informant on affidavit can be taken into consideration. Having regard to all these facts, the appellants have made out a case to grant pre-arrest protection, hence following order:-

5. Appeals stand allowed.

6. Impugned orders dated 26.10.2020 passed by the Sessions Court in Misc. Criminal Application Nos. 692/2020 and 705/2020 are quashed and set aside.

7. In the event of arrest, both applicants namely Arpit Rajendra Jaiswal and Rajnikant Namdevrao Satav be released on bail on their furnishing PR bond of Rs. 15,000/- with one surety of like amount each.

8. The applicants shall attend concerned Police Station as and when required.

9. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Gohane.