

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

CRIMINAL APPEAL NO. 464 OF 2020

Yogesh @ Guddu s/o Vijay Bobdey
Aged about 46 years, Occ. Business,
R/o Bobdey Colony, Khamgaon,
District – Buldhana.

.... **APPELLANT**

// VERSUS //

1. State of Maharashtra, through Police
Station Officer, Police Station
Khamgaon (City), Distt. Buldhana
2. Sanjay s/o Onkar Jadhav,
Aged Major, R/o Pamnani Colony,
Khamgaon, Distt. Buldhana.

.... **RESPONDENTS**

Shri U.P Dable, Advocate for appellant.
Ms. H.N. Jaipurkar, A.P.P. for respondent-State.
Shri S.M. Bhangde, Advocate Respondent no. 2.

CORAM : VINAY JOSHI, J.
DATED : 22/12/2020.

JUDGMENT :

Heard.

2. **ADMIT.** Considering the issue involved in the matter and
by consent of the learned Counsel appearing for the parties, Appeal is

taken up for final disposal.

3. Being aggrieved and dissatisfied by the rejection of regular bail in Misc. Criminal Application No. 432 of 2020 this appeal is came to be filed by accused of Crime No. 358 of 2020.

4. On the basis of information given by the respondent no. 2, Khamgaon city Police registered the offences punishable under Sections 504 and 506 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocity) Act 1989. There is some history to the litigation that initially pre-arrest bail of appellant was rejected up-to Supreme Court and therefore, he was made to surrender. It was alleged that, the appellant had urinated near the compound of informant and thus, insulted and humiliated him in public place. Already appellant has faced custodial interrogation and had attended Police Station as directed by this Court.

5. Though the appeal is resisted by State as well as original informant, no potential ground has been raised for rejection of regular bail. Moreover, there are no instances to show that appellant has misused the liberty. Having regard to the nature of accusation, there is no need to keep accused in custody during trial. In view of that, appeal deserves to be allowed. Therefore following order is passed :

- (a) The Criminal Appeal stands allowed.
- (b) Interim order dated 10.12.2020 is hereby made absolute on same terms and conditions with a rider that the condition of attendance shall be followed till filing of charge-sheet.

6. The Criminal Appeal stands disposed of accordingly.

JUDGE

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