

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
935 CRIMINAL APPEAL NO.97 OF 2021

Nandu@ Adinath Walmik Ganjave : Appellant

VERSUS

The State of Maharashtra & another : Respondents

Mr. Rajendra K.Temkar, Advocate for the Appellant

Mr. R. V.Dasalkar, APP for the Respondents State

Mr. R. L.Kute, Advocate for respondent No.2

CORAM : V. K. JADHAV &

SHRIKANT D. KULKARNI, JJ.

DATE : 25th June, 2021.

ORDER:

1. The appellant is seeking regular bail in connection with Crime No.I-1814/2020 (Special Case No.59/2020) registered with Sangamner City Police Station, District Ahmednagar for the offence punishable under sections 326, 504, 506 read with 34 of Indian Penal Code and under sections 3(1)(r), 3(1)(s) 3(2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. His application with similar prayers came to be rejected by the learned Additional Sessions Judge, Sangamner, District Ahmednagar by order dated 11.01.2021 below Exh.6 in Special Case No.59/2020. In terms of section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant original accused has preferred this appeal for bail.

2. The incident alleged to have taken place on 26.09.2020. It has been alleged in the complaint that appellant was under the influence of liquor. He went in front of the house of the informant and started giving abuses in filthy language to the mother of the informant. The informant and her mother had tried to give him understanding, however, the appellant went to his house, brought an axe and inflicted injuries on the person of injured Kalawati, mother of the informant with the help of axe. On the basis of these allegations, the appellant came to be arrested. He is in jail since 27th September,2020.

3. Learned counsel for the appellant submits that investigation is over and the charge sheet has been submitted. Though there are certain allegations against the appellant and there are eye witnesses to the said incident, however, the appellant allegedly inflicted the injuries on the forearm and leg of the mother of the informant with the help of axe. There is no allegation that the appellant had inflicted injuries with the help of axe on the vital part of the body. The learned counsel submits that the appellant is ready to abide by any conditions and even will not enter within the limits of Sangamner Taluka till conclusion of the trial.

4. The learned APP submits that prima facie, there is strong case against the appellant. There are eye witnesses to the incident. The appellant may not be released on bail.

5. Mr. Kute, the learned counsel appearing for respondent No.2 informant submits that there are antecedents of the appellant. There are

two criminal cases registered against him on the previous occasions. The appellant is goonda by nature and if he is released on bail, there is every possibility of tampering with the prosecution evidence so also repetition of the crime. The appellant has abused the informant and her mother by referring their caste at the public place. The appellant may not be released on bail.

6. Though we find certain allegations and particular role ascribed to the appellant, however, as a matter of punishment, the bail cannot be refused. So far as the antecedents are concerned, the learned counsel for respondent No.2 has shown us one case of the year 2019, wherein the crime was registered against the present appellant under sections 326, 504, 506 of Indian Penal Code. So far as another crime is concerned, only the N.C. seems to have been registered in respect of the said crime.

7. Thus, by considering the entire aspect of the case, we are inclined to release the appellant on bail by imposing certain conditions. Hence following order:

ORDER

(1) Criminal Appeal is hereby allowed.

(2) The appellant Nandu@ Adinath Walmik Ganjave, in connection with Crime No.I-1814/2020 (Special Case No.59/2020) registered with Sangamner City Police Station, District Ahmednagar for the offence punishable under sections 326, 504, 506 read with 34 of Indian Penal Code and under sections 3(1)(r), 3(1)(s) 3(2) (v-a) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be released on bail on his furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety of the like amount on following conditions.

- i. The appellant shall not tamper with prosecution evidence in any manner.
 - ii. The appellant shall not enter within the limits of Sangamner Taluka District Ahmednagar till conclusion of the trial except for attending the Court dates.
 - iii. The applicant shall attend Loni Police Station, District Ahmednagar in between 8.00 a.m. to 11.00 a.m. on every Sunday for a period six months from the date of this order and thereafter for a period of three months, in between same time, on every first Sunday of the month.
- (3) The appeal is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV, J.)

JPC