

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CRIMINAL APPEAL NO.317 OF 2020

**NAMDEO SHANKARRAO BORATE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

Mr. Nandkumar Y. Kingaonkar, Advocate for the
appellant

Mrs. R. P. Gaur, APP for the respondent/State

Mr. Avishkar Shelke, Advocate for the respondent
No.2 (appointed)

CORAM : N. R. BORKAR, J.

DATE : 27-10-2021

P. C.

. This appeal challenges the order dated 08-04-2020 passed by the learned Additional Sessions Judge, Parbhani in Criminal Misc. Application (Bail) No. 234 of 2020.

2. The appellants who are accused in crime No. 100 of 2020 registered with Mondha Police Station, Dist. Parbhani for the offences punishable under Sections 323, 326, read with Section 34 of the Indian Penal Code and Sections 3(1)(r) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, filed an application for anticipatory bail. The said

application came to be rejected by the order impugned.

3. Learned counsel for the appellants submits that during pendency of the appeal the police had arrested the appellant No.2 and now he is already released on regular bail and therefore, the present appeal as regards the appellant No.2 does not survive.

4. The appeal, therefore, as regards appellant No.2, is dismissed.

5. I have perused the first information report. All the allegations of assault and alleged abuses on caste are against the appellant No.2 only.

6. Considering the limited role attributed to the present appellant No.1 in crime in question i.e. the appellant No.1 assaulted the complainant by fist blow, I am inclined to allow this appeal. In the result, following order is passed.

(3)

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ORDER

i. The appeal is allowed.

ii. The order impugned to the extent of appellant No.1 is quashed and set aside.

iii. The interim anticipatory bail granted to the appellant No.1 by this court on 27-04-2020 is confirmed.

[N. R. BORKAR, J.]

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