

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 CRIMINAL APPEAL NO.273 OF 2021

1. Aniket Macchindra Lawande,
age 21 yrs, Occ. Education,
R/o Parewadi, Tq. Pathardi, Dist
Ahmednagar.
2. Vishal Balasaheb Lawande,
age 20 yrs, Occ. Education,
R/o Parewadi, Tq. Pathardi,
Dist. Ahmednagar.
3. Shubham s/o Laxman Athare,
age 20 yrs, Occ. Education,
r/o Parewadi, Tq. Pathardi,
District Ahmednagar. ..Appellants..

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Pathardi Police Station,
Tq. Pathardi, Dist. Ahmednagar.
2. Rahul Balasaheb Bhosale,
age 29 yrs, Occ. Labourer,
R/o Parewadi, Tq. Pathardi,
Dist. Ahmednagar. ..Respondents..

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Advocate for Appellants : Mr Kasar Rajendra S.

APP for Respondents : Mr. S P Deshmukh

Advocate for Respondent 2 : Mr. S S Shinde (appointed)

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CORAM : V.K. JADHAV & SHRIKANT D. KULKARNI, JJ.

Dated : September 22, 2021

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PER COURT :-

1. The appellants are seeking anticipatory bail in connection with crime no.248 of 2021 registered with Pathardi Police Station, Taluka Pathardi, District Ahmednagar for the offences punishable under sections 326, 324, 323, 504, 506 r/w 34 of IPC and under section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Their application with similar prayer came to be rejected by the Additional Sessions Judge, Ahmednagar Vide order dated 19.5.2021 below exhibit 1 in criminal (Bail) M.A. no.674 of 2021.

2. On the basis of the complaint lodged by one Rahul Bhosale, aforesaid crime came to be registered. It has been alleged in the complaint that due to political rivalry on 29.4.2021 at about 9.00 p.m. when the informant Rahul was in his house, he had heard some noise outside of the house. Thus, the informant came outside of the house. All the applicants were present outside of his house. They have assaulted him by using

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wooden log, bricks and also abused him on caste basis.

The applicants are thus seeking pre-arrest bail.

3. Learned counsel for the appellants/original accused submits that, due to political rivalry the appellants have been falsely implicated in connection with the present crime. The appellants are the students. There are no antecedents. They are ready to abide the conditions, if imposed by this Court. Learned counsel submits that the appellants are on interim anticipatory bail.

4. Learned counsel for respondent no.2/informant submits that names of the appellants are mentioned in the FIR with the specific role attributed to each of them. The informant has sustained injuries in the said assault and so far as injury on the frontal region of the scalp is concerned, informant was subjected to C.T. Scan.

5. Learned A.P.P. has strongly resisted the application and submits that the appellants are absconding since the date of the registration of the

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crime. Investigation is still in progress. Prima facie, there is a case against the appellants and their custodial interrogation is necessary to recover the weapons allegedly used in the assault.

6. On going through the allegations made in the complaint, we find that names of the appellants are mentioned in the FIR with the specific role attributed to each of them. Though, the learned counsel for the appellants has vehemently submitted about false implication of the appellants in the present crime out of the political rivalry, however, considering the injuries sustained by the informant, particularly, injury no.1, which is on the scalp, for which he was subjected to C.T. scan and referred for his further treatment to higher center, we do not think that this is a case of false implication. Though, the appellants are the students, however, as per the allegations made in the complaint, in the night time with premeditation they went to the house of the informant armed with the weapons like wooden log etc. and assaulted the informant.

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Furthermore, the appellant no.3 has also abused the informant by referring his caste at a public place. In view of the same, we are not inclined to release the appellants on anticipatory bail.

7. At this stage, the learned counsel for the appellants submits that during the pendency of this criminal appeal, the appellants were on interim anticipatory bail. The same may be continued for a further period of four weeks so as to enable them to approach the Apex Court.

8. The appellants are the students and since they were protected by an interim anticipatory bail order by this Court, we extend the period of said interim anticipatory bail order for a period of 'two weeks' so as to enable the appellants to approach the Apex Court, if so desired. Criminal Appeal is accordingly dismissed.

9. Since Advocate Mr. Shinde is appointed to represent the cause of respondent no.2, we quantify his legal fees and expenses @ Rs.2,000/- (Rs. Two

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thousand) to be paid by the High Court Legal Services
Sub-Committee, Aurangabad.

(SHRIKANT D. KULKARNI, J.) (V.K. JADHAV, J.)

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