

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

CRIMINAL APPEAL NO. 281 OF 2021

Sawan @ Akash s/o Nathrao Jadhav : Appellant

VERSUS

The State of Maharashtra & another : Respondents

Mr Swapnil S. Rathi, Advocate for the Appellant
Mr. S. G. Salgare, APP for the Respondents State
Mr. V.C. Patil (Ashtekar) Advocate for respondent No.2

WITH

CRIMINAL APPEAL NO. 125 OF 2021

Anil Pandurang Gite : Appellant

VERSUS

The State of Maharashtra & another : Respondents

Mr. B. S. Chondhekar, Advocate for the Appellant
Mr. S. J. Salgare, APP for the Respondents State
Mr. V.C. Patil (Ashtekar) Advocate for respondent No.2

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

DATE : 25th June, 2021.

ORDER:

1. The appellants are seeking regular bail in connection with crime No.22/2021 (Sessions Trial No.18/2021) registered with Sengaoon Police Station, Dist. Hingoli for the offence punishable under sections 307, 324, 323, 336, 504, 506 read with 34 of Indian Penal Code and under sections 3(1)(r), 3(1)(s) 3(2) (v-a) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Their applications with similar prayers came to be rejected by the learned Additional Sessions Judge No.2, Hingoli by common order dated 01.05.2021 below Exh.4 Sessions Trial No.18/2021. In terms of section 14(A) (2) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants have preferred these appeals for bail.

2. The incident had taken place on 19.01.2021. Initially a quarrel has taken place on some trifling grounds in front of Hospital of Dr. Sabu. It has been alleged in the complaint that in the said quarrel, the appellant Sawan Jadhav caught hold the neck of the informant and extended him beating with the help of wooden log. It has also been alleged that appellant Anil Gite has extended him the beating by way of fist and kick blows. Both of them also abused the informant by referring his caste at public place.

3. In the second incident, the informant, along-with his parents, had been to the house of the appellant Sawan Jadhav and questioned his father as to why appellant Sawan Jadhav has beaten the informant. Even at that time, the appellant Sawan Jadhav has assaulted them. Thereafter, in third incident, which had taken place at the house of the uncle of the informant, it has been alleged that appellants Sawan Jadhav, Anil Gite and co-accused Suresh Namdeo Gore gone to the house of uncle of the informant namely Pralhad Pandurang Wanare and beaten him with a log of spade on his head. In consequence of which, uncle Pralhad Wanare has sustained bleeding injury on his head. On the basis of these allegations, the appellant Sawan Jadhav came to be arrested in connection with the present crime on 04.04.2021, whereas, appellant Anil Gite came to be arrested on 19.01.2021

4. Learned counsel for the appellants Mr. Rathi and Mr. Chondhekar submit that investigation is over and the charge-sheet has been submitted. Though there are certain allegations against the appellants and that specific roles are attributed to each of them, however the appellants are ready to abide by the conditions, if imposed by the Court, including the condition not to enter within the limits of Sengaoon Taluka till conclusion of the trial. The appellants are also ready to furnish surety to the satisfaction of the Court.

5. Learned A.P.P. submits that prima facie, there is strong evidence against both the appellants. Their names are not only mentioned in the F.I.R. but they have been ascribed specific roles. Learned A.P.P. submits that appellant Sawan Jadhav has used a log of spade and caused grievous injury on the head of injured Pralhad Wanare. Injured Pralhad sustained grievous injury on his head. He was subjected to various investigations including MRI, CT Scan etc. He was also referred to various private hospitals for his treatment. Injured Pralhad remained under treatment up to 11.02.2021. Learned APP submits that there are antecedents and the appellants may not be released on bail.

6. Learned counsel appearing for respondent No.2 informant submits that the appellants have assaulted the uncle of the informant in very ruthless manner and caused him grievous injury on his head. Prima facie there is strong case against both of the appellants. The appellants are Goondas in nature. They have abused the informant and his family members by referring their caste at public place. If the appellants are

released on bail, there is possibility of tampering with the prosecution evidence. The appellants may not be released on bail.

7. On going through the allegations made in the complaint and on perusal of the charge-sheet, though we find that the names of the appellants are mentioned in the F.I.R with specific roles attributed to each of them, however, as a matter of punishment, the bail cannot be refused.

8. So far as appellant Anil Gite is concerned, it is pointed out by the learned counsel Mr. Chondhekar that those crimes are registered against him on the count of some agitation pertaining to the Maratha reservation.

9. So far as the appellant Sawan Jadhav is concerned, we find that though there are two cases of the year 2016 and 2020, however, the main offence allegedly committed in connection with the said crime is causing simple hurt and not more than that. Thus, by imposing certain conditions, we are inclined to release the appellants on bail. Hence following order:

ORDER

(1) Criminal Appeal No. 281 of 2021 and Criminal Appeal No. 125 of 2021 are hereby allowed.

(2) Appellant Sawan @ Akash s/o Nathrao Jadhav and appellant Anil Pandurang Gite, in connection with Crime No.22/2021 (Sessions Trial No.18/2021) registered with Sengaoon Police Station Dist. Hingoli for the offence punishable under sections 307, 324, 323, 336, 504, 506 read with 34 of Indian Penal Code and under sections 3(1)(r), 3(1)(s)

3(2) (v-a) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, be released on bail on their furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one solvent surety each of the like amount on following conditions.

- i. The appellants shall not tamper with prosecution evidence in any manner.
- ii. The appellants shall not enter within the revenue limits of Sengaon Taluka till conclusion of the trial except for attending Court dates.

(3) Both the appeals are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV, J.)

JPC