

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

7 CRIMINAL APPEAL NO.372 OF 2021

NAMDEV DADA LAWARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr.Shermale K. N.

APP for Respondents-State : Mrs. R.P.Gaur

Advocate for Respondent No. 2 : Mr. Saeed S. Shaikh Adv. Saeed
Shaikh (appointed)

...

CORAM : N.R. BORKAR , J.

DATE : 20th October, 2021.

P. C. :

1. This appeal takes an exception to the order dated 22.07.2021 passed by the learned Additional Sessions Judge-3, Sangamner, in Bail Application No. 181 of 2021.

2. The appellant who is an accused in crime No. 68 of 2021 registered by Ashwi Police Station, Tq. Sangmner, for the offence punishable under Sections 143, 147,149, 323, 504 and 506 read with Section 34 of the Indian Penal Code, and under Section 3 (1) (r) and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has filed application for anticipatory bail before the learned Sessions Court. Said application of the appellant came to be rejected by an order impugned.

3. I have heard learned counsel for the appellant, learned APP for respondent-State and learned counsel for respondent No. 2 (Original Complainant).

4. I have perused the FIR. It appears that on the day of incident dispute arose between the complainant and accused on account of fixation of net to the shed constructed by the accused. According to the complainant, during the said dispute, some of the accused including present appellant said to him “चामटे माजले”. Except this there are no other abuses on the caste. Surprisingly report was not lodged on the same day but was lodged after two days and that too not because he felt humiliated due to abuses on caste but the accused who promised to remove the net failed to do so. There are in all 28 accused. All the other co-accused have been either released on anticipatory bail or the regular bail on the very same day. Considering these facts and circumstances, the order impugned is set-aside. Hence following order :

ORDER

- a. Appeal is allowed.
- b. In the event of arrest of appellant/accused namely Namdev s/o Dada Laware, in above said crime, he be released on furnishing his P.R. in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

- c. Appointed counsel for respondent No. 2 shall be paid fees in accordance with rules.

(N.R. BORKAR)
JUDGE

mahajansb/