

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

CRIMINAL APPEAL NO. 486 OF 2021

Yogesh S/o Shirishkumar @ Shivkumar
Patil (Bidve),
Age : 20 Years, Occ. Education,
R/o. Jayphal, Taluka Kallam,
Dist. Osmanabad.

..Appellant

V E R S U S

1. The State of Maharashtra,
Through Police Inspector,
Shiradhon Police Station,
Tq. Kallam, Dist. Osmanabad.
 2. Amol S/o Ramkishan Narsinge,
Age : 29 Years, Occ. Agriculture,
R/o. Jayphal Tq. Kallamb,
Dist. Osmanabad.
- .. Respondents

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Advocate for the Appellant : Mr. R. P. Bhumkar
A.P.P for Respondent No.1 State : Mrs. G. L. Deshpande
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CRIMINAL APPEAL NO. 488 OF 2021

1. Suresh @ Suryakant S/o Shrimant Deshmukh,
Age : 48 Years, Occ. Agriculture,
2. Vishal S/o Yeshwant Patil- Bidve,
Age : 27 Years, Occ. Agriculture,
3. Rushikesh S/o Rajabhau @ Rajaram
Patil-Bidve,
Age : 23 Years, Occ. Student,
4. Manmanth @ Virbhdra S/o Govardhan Gutande,
Age : 20 Years, Occ Agriculture

All Resident of Jayphal,
Taluka Kallamb, Dist. Osmanabad. ..Appellants

V E R S U S

The State of Maharashtra,
Through the Investigating Officer,
In Crime No. 183/2021 registered
At Shiradhon Police Station,
Taluka Kallamb, Dist. Osmanabad.

2. Amol S/o Ramkishan Narsinghe
Age : 29 Years, Occ. Agriculture,
R/o. Jayphal Taluka Kallamb,
Dist. Osmanabad. .. Respondents

....
Advocate for the Appellants : Mr. D.A. Mane
A.P.P for Respondent-No.1 State : Mrs. G. L. Deshpande
Advocate for respondent No.2 : Mr. Ajnkya Reddy
(Appointed)

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CORAM : N.R. BORKAR, J.
DATE : 14.12.2021

PER COURT :-

Learned counsel for the appellants in Appeal No. 488 of 2021 seeks permission to withdraw the appeal so far as appellant No.3 Rushikesh S/o Rajabhau @ Rajaram Patil-Bidve is concerned.

2. The appeal is dismissed as withdrawn qua appellant No. 3 Rushikesh S/o Rajabhau @ Rajaram Patil-Bidve.

3. The appellant Nos. 1,2 and 4 in Criminal Appeal No. 488 of 2021 and the appellant in Criminal Appeal No. 486 of 2021, who are accused in Crime No. 183 of 2021 registered at Shiradhon Police Station, Tq. Kallam, District Osmanabad for the offences punishable under Sections 323, 324, 504, 506, 141, 143, 148 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 had filed the applications for anticipatory bail. The said applications came to be rejected by the orders impugned.

4. I have heard the learned counsel for the appellants and learned A.P.P for respondent State and learned counsel for respondent No.2/the complainant.

5. The learned counsel for the appellants submits that the false complaint is lodged due to representation made by the appellants to the Gram Panchayat against the members of respondent No.2's community. It is submitted that even otherwise the alleged abuses on the caste are attributed to the accused Rishikesh Rajabhau Patil and not to the present appellants. It is submitted that the custodial interrogation of the appellants is not required. Accordingly, it is submitted that

the appeals may be allowed and appellants may be released on anticipatory bail.

6. On the other hand, learned A.P.P. for the respondent State submits that there is a bar to entertain the anticipatory bail application under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act. It is further submitted that the appellants/accused not only hurled abuses on the caste of the respondent No.2 they even assaulted him by leather belt and iron tommy. Accordingly, it is submitted that the appeals be dismissed.

7. I have perused the First Information Report lodged by respondent No.2. The initial incident took place with the accused Rushikesh Rajabhau Patil and at that time present appellants were not present there. The alleged abuses on caste and the alleged assault is also attributed to the accused Rushikesh Rajabhau Patil. Considering these facts and circumstances, I am inclined to release the appellants Nos. 1, 2 and 4 in Criminal Appeal No. 488 of 2021 and appellant in Criminal Appeal No. 486 of 2021 on anticipatory bail. In the result, following order is passed :

ORDER

- (i) Appeals are allowed.
- (ii) Orders impugned are quashed and set aside.
- (iii) In the event of arrest of the appellant Yogesh S/o Shirishkumar @ Shivkumar Patil (Bidve), Suresh @ Suryakant S/o Shrimant Deshmukh, Vishal S/o Yeshwant Patil-Bidve, Manmanth@ Virbhdra S/o Govardhan Gutande, in Crime No. 183 of 2021 registered at Shiradhon Police Station, Taluka Kallamb, District Osmanabad for the offences punishable under Sections 323, 324, 504, 506, 141, 143, 148 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 they shall be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with one surety in the like amount.
- (iv) Fees in accordance with the rules shall be paid to the appointed counsel for the respondent No.2/ Complainant.

(N. R. BORKAR)
JUDGE

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