

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CRIMINAL APPEAL NO.489 OF 2021

PRASHANT MADHAV BIRADAR (PATIL) AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.K.P. Rodge, Advocate for the appellants.
Mr.S.P. Sonpawale, APP for the respondent/State.
Mr.S.M. Kamble, Advocate for respondent No.2.

CORAM : N.R.BORKAR, J.
DATED : 17.12.2021

PC :-

01. The learned Counsel for the appellant seeks leave to withdraw the present appeal so far as appellant No.1 is concerned.

02. The appeal is dismissed as withdrawn qua appellant No.1.

03. This appeal challenges the order dated 21.09.2021 passed by the learned Additional Sessions Judge, Udgir, Dist. Latur, in Cri.M.A. (Bail) No.143 of 2021.

04. The appellant No.2, who is accused in Crime No.83 of 2021 registered at Jalkot Police Station, Latur for the offence punishable under sections 323, 324, 506 r/w 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, had filed application for anticipatory bail. The learned Additional Sessions Judge rejected the said application by the order impugned.

05. I have heard learned Counsel for appellant No.2, learned APP for the respondent/State and learned Counsel for respondent No.2.

06. I have perused the first information report. The role attributed to co-accused Madhav Biradar and the present appellant No.2 is identical rather less serious role is attributed to the present appellant No.2, as according to the respondent No.2/complainant the co-

accused Madhav Biradar has not only assaulted him but also to his sister-in-law. The learned Additional Sessions Judge has, however, granted anticipatory bail to the co-accused Madhav Biradar and rejected the application of present appellant No.2. The allegations on caste are not attributed to the present appellant No.2. Considering these facts and circumstances, the order impugned is set aside. In the result, following order is passed :-

O R D E R

i) The appeal is partly allowed.

ii) In the event of arrest of appellant No.2-Omshant s/o. Madhav Biradar in connection with Crime No.83 of 2021 registered at Jalkot Police Station, Latur for the offences punishable under sections 323, 324, 506 r/w 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

[N.R.BORKAR, J.]