

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 513 OF 2021

UMESH BHASKAR JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellants : Mr. Abhaysinh K. Bhosle
APP for Respondent No.1-State : Mr. P. S. Patil
Advocate for Respondent No.2 : Mrs. S. G. Chincholkar

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CORAM : S. G. MEHARE, J.
(VACATION COURT)

DATE : 09-11-2021

PER COURT :-

Heard learned counsel for the appellants, learned APP for respondent No.1 - State and learned counsel for respondent No.2 - complainant at length.

2. Learned APP for respondent No.1 - State fairly pointed out that by way additional supplementary statement, respondent No.2-complainant has exonerated appellant No.2 Babasaheb @ Deepak S/o. Bhaskar Jadhav. I have gone through said supplementary statement, wherein, respondent No.2-complainant has stated that she has been confused about the person, who was standing far away from the place of occurrence, was the appellant No.2 Babasaheb. However, she has unequivocally states that the person whom she was thinking appellant No. 2 Babasaheb @ Deepak Jadhav was not the same person.

3. However, this court expressed disinclination to grant anticipatory bail to appellant No.3 Kirankumar s/o. Laxmanrao Jadhav.

4. Learned counsel for the appellants, on instructions, made a statement that he wants to withdraw the appeal against appellant No.3. Permission is granted. The Criminal Appeal is dismissed as withdrawn to the extent of appellant No. 3.

5. In the light of supplementary statement of respondent No.2 - complainant, it is clear that she was confused about appellant No.2 Babasaheb, the person who was standing far away from the place of occurrence. In the light of this situation, case against him is to be looked into from different angle. However, the first information report is already registered and he has arraigned as an accused. In the light of this peculiar facts and circumstances, he may be protected. Hence, the following order -

ORDER

1. The criminal Appeal is partly allowed.
2. In the event of arrest, appellant No.2 - Babasaheb @ Deepak Jadhav be released on anticipatory bail in Crime No. I-270 of 2021 registered with Police Station Bhokardan, on executing PB and SB of Rs.25,000/- (Rs. Twenty Five Thousand Only) with one solvent surety of like amount.
3. The applicant shall co-operate with Investigation Officer and attend the Police Station as and when called on written notice.
4. The fees be paid to Mrs. S. G. Chincholkar, learned counsel for respondent No.2 as per schedule by the High Court Legal Services Authority, Sub-Committee Aurangabad.

(S. G. MEHARE)
JUDGE