

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL APPEAL NO.682 OF 2020

SHREYAS SHRIKANT GOSWAMI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.Gaurav L. Deshpande, Advocate for the appellant.
Ms.R.P. Gaur, APP for the respondent/State.
Mr.S.A. Wakle, Advocate for respondent No.2 – Absent.

CORAM : N.R.BORKAR, J.
DATED : 28.10.2021

PC :-

01. This appeal challenges an order dated 11.12.2020 passed by the Additional Sessions Judge, Ambajogai in Criminal Bail Application No.531 of 2020.

02. The appellant, who is an accused in Crime No.463 of 2020, registered by the Ambajogai Police Station, for the offences punishable under sections 325, 504, 506 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has filed application for anticipatory bail before the Additional Sessions Judge. The learned

Additional Sessions Judge rejected the said application by the order impugned.

03. I have heard learned Counsel for the appellant and learned APP for the respondent/State. Learned Counsel for the appellant submits that in the incident in question the appellant was assaulted and he was indoor patient from 03.11.2020 to 07.11.2020. It is submitted that the appellant did lodge report in relation to that effect, however, no cognizance of it is taken as the informant is influential person. It is submitted that the appellant is a student and he has been involved in the false case.

04. On the other hand, learned APP for the respondent state submits that there are specific allegations in relation to the offences punishable under SC & ST (Prevention of Atrocities) Act. It is further submitted that there is eye witness to the incident. It is submitted that in view of bar under section 18 of the

SC & ST Act, the Trial Court was justified in rejecting the application. It is submitted that the present appeal therefore may not be entertained and it be dismissed.

05. I have perused the first information report. No reason is assigned by the respondent No.2/original complainant as to what prompted present appellant to abuse him on his caste. Prima facie, the version of the complainant, therefore, appears to be one sided and it appears that he has suppressed the genesis of the incident. I am constrained to say so because from the documents produced on record, it appears that the appellant was admitted in Swami Ramanand Teerth Rural Government Medical College and Hospital, Ambajogai and he was indoor patient there for four days. According to the complainant he was assaulted. However, the injury certificate produced along with case diary to that effect bears name as Akash Baban Londhe and name of the complainant as per the complaint is Akash Baban Narsinghe. There is no supplementary statement on record explaining

said situation. Considering these facts and circumstances, following order is passed :-

O R D E R

- i. The appeal is allowed.
- ii. The order impugned is set aside.
- iii. In the event of arrest in connection with Crime No.0463 of 2020 registered by Ambajogai City Police Station, Dist. Beed, for the offence punishable under section 325, 504, 506 of the Indian Penal Code and under section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant 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 .]