

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

1 CRIMINAL APPEAL NO.555 OF 2021

**GULAB RAGHUNATH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Appellant : Mr.Savale Amit S.
APP for Respondent No. 1-State : Mrs.G.L.Deshpande
Advocate for Respondent No. 2 : Mr. M.V. Narwade (appointed)

...

CORAM : N.R. BORKAR , J.

DATE : 29th NOVEMBER, 2021.

P. C. :

1. This appeal takes an exception to the order passed by the Additional Sessions Judge, Dhule dated 23.10.2021 in Criminal Bail Application No. 904 of 2021.

2. The appellant who is an accused in the Crime No. 615 of 2021 registered by Dhule Taluka Police Station for the offences punishable under Sections 143, 147, 149, 324, 323, 504, 506, 427 and 148 of the Indian Penal Code (for short "I.P.C.") and under Section 3 (1) (r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, had filed an application for anticipatory bail.

3. Learned Addition Sessions Judge rejected the said application by the order impugned.

4. I have heard the learned counsel for the appellant, the learned APP for the Respondent-State and the learned counsel for the respondent No. 2.

5. According to the complainant on 04.10.2021 at about 7.30 to 8.00 p.m. the present appellant along with other 23 co-accused assaulted him by fist and kick blows, hockey sticks, Iron Rod and fighters as he refused to accede to their demand to vote & help the candidate of their party in Zilla Parishad election. According to the complainant the present appellant abused him on his caste.

6. The learned counsel for the appellant submits that due to political rivalry, the appellant has been involved in the false case. It is submitted that all other co-accused except the present appellant came to be released on anticipatory bail. It is submitted that considering these facts and circumstances the order impugned needs to be quashed and set aside and the appellant needs to be released on bail.

7. On the other hand, learned APP for Respondent-State submits that there is a bar to entertain the application for anticipatory bail under Section 18 of the S.C. & S.T. (Prevention of Atrocity) Act. It is submitted that there are independent witnesses to the incident in question, who have supported the version of the

complainant. It is submitted that the appeal thus needs to be dismissed.

8. According to the complainant in all 24 persons assaulted him by fist and kick blows, hockey sticks, Iron Rods and fighters. I have perused the injury certificate of the complainant. Following injuries are mentioned in the injury certificate.

- (i) C.L.W. over inner lip,
- (ii) Blunt Trauma left check,
- (iii) Blunt Trauma Head,
- (iv) Blunt Trauma Abdomen.

9. The nature of injuries is mentioned as simple. It is unlikely that in a assault by 24 persons that too by hockey sticks, Iron rod, and the fighters the complainant would suffer only simple injuries.

10. It appears that the complainant, with a view to involve the accused persons in more serious offences has made exaggerated allegations. Considering the facts and circumstances and as all other co-accused are released on anticipatory bail, following order is passed :

ORDER

- a. Appeal is allowed.
- b. Order impugned is quashed and set aside.
- c. In the event of arrest of the appellant in Crime

No. 615 of 2021 registered by Dhule Taluka Police Station for the offences punishable under Sections 143, 147, 149, 324, 323, 504, 506, 427 and 148 of the Indian Penal Code (for short "I.P.C.) and under Section 3 (1) (r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be released on anticipatory bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

d. Appeal is disposed of.

e. Fees in accordance with rules, shall be paid to the appointed counsel for the respondent no. 2.

(N.R. BORKAR)
JUDGE

mahajansb/