

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CRIMINAL APPEAL NO.593 OF 2021
ARJUN KALYANRAO GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.R.V. Gore, Advocate for the appellant.
Mr.R.B. Bagul, APP for the respondent/State.
Mr.D.S. Patil, Advocate for respondent No.2.

CORAM : N.R.BORKAR, J.
DATED : 15.12.2021

PC :-

01. This appeal challenges the order dated 13.11.2021 passed by the Special Judge, Aurangabad, in Bail Application No.1977 of 2021.

02. The appellant, who is an accused in Crime No.330 of 2021 registered at Bidkin Police Station for the offences punishable under sections 323, 504 read with section 34 of the Indian Penal Code and Section 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, had filed application for anticipatory bail. Said application came to be rejected by the order impugned.

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

04. Learned Counsel for the appellant submits that due to political rivalry the appellant is involved in false case. It is submitted that on the day of incident, there was Gramsabha. It is submitted that in the said Gramsabha, present complainant and members from rival political party created ruckus. It is submitted that in the said Gramsabha, present appellant was elected as President of Tantamukti Samiti. It is submitted that the complainant and the members from rival political party thus got annoyed and thus false report came to be lodged against present appellant. It is submitted that the order impugned thus needs to be quashed and set aside and the appellant needs to be released on anticipatory bail.

05. On the other hand, learned APP for the

respondent/State submits that the appellant is involved in the serious offence punishable under the Atrocities Act. It is submitted that there is bar under section 18 of the Atrocities Act to entertain the application for anticipatory bail. It is further submitted that there are eye witnesses to the incident. The learned APP submits that no interference is thus called for in the order impugned and thus appeal be dismissed.

06. The learned Counsel for the respondent No.2 submits that after lodging of the report by the respondent No.2, the co-accused in the crime tried to set the house of the respondent No.2 on fire. It is submitted that the co-accused are threatening the witnesses. It is submitted that appeal thus needs to be dismissed.

07. I have perused the papers of investigation. There are statements of witnesses, including the statements of persons belonging to the community of

respondent No.2 and the said statements are not consistent with the report lodged by the respondent No.2. Thus, prima facie, the report appears to be politically motivated. Considering these facts, the order impugned is set aside. In the result, the following order is passed :-

O R D E R

- i) The appeal is allowed.
- ii) In the event of arrest of the appellant in connection with Crime No.330 of 2021 registered at Bidkin Police Station, Tal. Paithan, Dist. Aurangabad, for the offences punishable under sections 323, 504 r/w 34 of the Indian Penal Code and section 3(1)(r),3(1)(s) 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.
- iii) The appellant shall not tamper with the prosecution witnesses.
- iv) The appellant shall attend Bidkin Police Station once in a week i.e. on every Monday between 11.00 a.m. to 02.00 p.m. till filing of the charge-sheet.

[N . R . BORKAR , J .]