

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.303 OF 2020

Vijay N. Mane and Ors. ... Appellants
Vs
The State of Maharashtra
& Anr. ... Respondents
...

Ms. Rati Sinhasane i/by Mr. Umesh R. Mankapure for the Appellants.
Mr. A.R.Patil , APP for the Respondent-State.
Mr. Ganesh Bhujbal, Appointed as amicus-curiae.

CORAM : SANDEEP K. SHINDE J.
DATE : NOVEMBER 16, 2021.

P.C. :

Heard the learned counsel for the appellants, the learned Prosecutor for the State and Mr. Bhujbal (Appointed Advocate) for the Complainant.

2 Apprehending arrest in connection with the Crime No.43 of 2020 registered with Akkalkot (North) Police Station, Solapur for the offences punishable under Sections

143, 147, 148, 149, 324, 327, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“Act of 1989” for short), appellants are seeking pre-arrest bail.

3 Pending this appeal, prosecution has filed final report on 30th November, 2020.

4 Perused the First Information Report. The material allegations hurling casteist remarks were, against one Nitin Shinde. The First Information Report, therefore, does not attribute allegations against the appellants, which would disclose the offence under the Act of 1989.

5 Be that as it may, in the course of the investigation, supplementary statements of the complainant were recorded on 2nd March, 2020 and 1st June, 2020, whereby complainant absolved appellants of all the

allegations. These statements were recorded by the Sub-Divisional Officer, Solapur. Mr. Bhujbal, the learned counsel (Appointed) for the complainant does not dispute this fact. Additionally, charge-sheet has not been filed against Ganesh Jagannath Bhosale (Accused No.7) since at the material time of occurrence, the appellant was found not present at Akkalkot.

6 In consideration of the facts stated above, case is made out for granting pre-arrest bail to the appellants. Hence, the following order;

ORDER

(i) In the event of arrest of the appellants in Crime No.43 of 2020 registered with Akkalkot (North) Police Station, Solapur, they shall be released on executing PR bond for the sum of Rs.10,000/- each with one or more sureties in like sum.

(ii) The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7 The appeal is accordingly allowed and disposed off.

8 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)