

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPEAL NO.193 OF 2021.**

Patru S/o. Mahadeo Nagose,  
A/a. 50 yrs. Occu :- Agricultural,  
R/o. Pisewadadha, Tah. Armori,  
Dist. Gadchiroli.

Police Station : Dhanora

**(Appellant is in Chandrapur Jail)**

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**APPELLANT**

**// VERSUS //**

1. The State of Maharashtra,  
Through Police Station Officer,  
Police Station, Dhanora,  
Dist. Gadchiroli.

2. Bhadu S/o. Ramji Meshram,  
R/o. Pisewadadha, Tah. Armori,  
Dist. Gadchiroli.

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**RESPONDENTS**

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Shri A. A. Dhawas, Advocate h/f. Shri A. D. Ramteke, Advocate for the  
Appellant.

Shri T. A. Mirza, A.P.P. for the respondent No.1/State.

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**CORAM : V. M. DESHPANDE AND  
AMIT B. BORKAR, JJ.**

**DATE : 16.07.2021.**

**ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]**

1. Heard.

2. **ADMIT.**

3. By this appeal under Section 14-A of the Scheduled  
Castes and the Scheduled Tribes (Prevention of Atrocities) Act,  
1989, the appellant is challenging the order dated 12.02.2021

passed by the learned Additional Sessions Judge, Gadchiroli in Criminal Bail Application No.16/2021 arising out of the First Information Report No.9/2020 registered on 23.01.2020 for the offences punishable under Sections 302 and 34 of the Indian Penal Code read with Sections 3(2) and 3(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The First Information Report came to be registered at the instance of the respondent No.2 alleging that on 18.11.2019 at about 7.00 p.m. to 8.00 p.m. when the respondent No.2 was going to answer nature's call behind his house, he saw the deceased proceeding towards the house of appellant and the respondent No.2 heard shouting of some person. It is alleged that while returning from nature's call the respondent No.2 saw that the appellant and his three sons were assaulting the deceased. On the next morning at about 8.30 a.m., the respondent No.2 came to know from the villagers that deceased was lying dead near the pond on Yengada road. After two months from the said incident, the respondent No.2 asked one Pravin Kumre as to whether any offence is registered against the appellant and his three sons or not, on which Pravin Kumre replied that the investigation is still going on. Thereafter, on 23.01.2020 the respondent No.2 came to the Police Station along with cousin of the deceased and lodged complaint against the appellant and his three sons. The appellant came to be arrested

immediately and the Charge-Sheet was filed against the appellant on 19.03.2020.

5. The appellant applied for grant of bail on 16.01.2021 which is rejected by the impugned order dated 12.02.2021. The appellant has therefore filed present appeal challenging order dated 12.02.2021. This Court on 04.05.2021 issued notice to the respondents. On 25.06.2021, the respondent No.2 did not appear, therefore, this Court again issued notice to the final disposal to respondent No.2. Though the respondent No.2 was served on 07.07.2021, in order to give one more opportunity to the respondent No.2 to appear, the matter was adjourned to 16.07.2021. Today also, when the matter was called out, none appeared for respondent No.2 either personally or through Advocate.

6. The Advocate for the appellant invited our attention to the order passed by this Court dated 23.11.2020 in Criminal Appeal No.367/2020 and order dated 16.03.2021 in Criminal Appeal No.17/2021 granting bail to co-accused.

7. We have carefully considered the allegation in the First Information Report and the material produced by the prosecution in the form of Charge-Sheet. On careful scrutiny of the statements of witnesses and considering the material produced by the

prosecution, it appears that the First Information Report came to be registered against the appellant after the period of more than two months. The alleged incident took place on 18.11.2019 but the statement of witnesses i.e. respondent No.2 was recorded on 23.01.2020. The appellant is in jail from 24.01.2020 and investigation is complete.

8. On overall consideration of the material against the appellant, we are satisfied that the appellant has made out the case for his release on bail.

9. Hence, we pass the following order :

i. The impugned order dated 12.02.2021 passed by the learned Additional Sessions Judge, Gadchiroli in Criminal Bail Application No.16/2021 is quashed and set aside.

ii. The appellant having been arrested in connection with Crime No.9/2020 for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Sections 3(2) and 3(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 be released on bail on executing P. R. bond for Rs.25,000/- and furnishing two solvent sureties in the like amount.

iii. The appellant shall attend the Sessions Trial on each and every date unless granted exemption by the Sessions Judge.

The appeal is allowed in the above terms.

**JUDGE**

**JUDGE**

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