

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

CRIMINAL APPEAL NO. 87 OF 2022

1. Sohel Fakirmiya Sayed
Age: 23 years, Occu.: Labour,
R/o Musa Nagar, Udgir,
Tq. Udgir, Dist. Latur

2. Arbaz Ajimuddin Sayed
Age: 22 years, Occu.: labour,
R/o Dhangar Bawadi, Udgir,
Tq. Udgir, Dist. Latur,

3. Saber Manjur Pathan
Age: 26 years, Occu.: Labour,
R/o Peth Darwaja, Udgir,
Tq. Udgir, Dist. Latur

..APPELLANTS

VERSUS

1. State of Maharashtra
Through City Police Station Udgir,
Tq. Udgir, Dist. Latur

2. Manoj Macchindra Ghare
Age: 27 years, Occu.: Private Service,
R/o Hippalgaon, Tq. Ahmadpur,
Dist. Latur

..RESPONDENTS

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Mr. B.B. Kulkarni, Advocate for Mr. K.C. Sant, Advocate for appellants
Mr. R.B. Bagul, A.P.P. for respondent no.1 – State
Mr. P.S. Koshti, Advocate appointed through Legal Aid for respondent no.2

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**CORAM : R.G. AVACHAT, J.
DATED : 02nd MARCH, 2022**

PER COURT :

1. Heard.
2. This is an appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act'). The challenge in this appeal is to order dated 07th January, 2022 passed by the learned Additional Sessions Judge, Udgir in Criminal Miscellaneous Application (Bail) No. 246 of 2021 refusing to grant bail to the appellants herein in connection with Crime No. 333 of 2021 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Sections 341, 365, 395, 397, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of the Act.
3. Learned counsel for the appellants would submit that their names do not figure in the First Information Report ('F.I.R.'). There is delay of little over twenty four hours in lodging the F.I.R. The investigation has been over. Charge-sheet is filed. He, therefore, urged for allowing the appeal granting bail to the appellants.
4. Learned A.P.P. and learned counsel for the informant – Respondent No.2 would, on the other hand, submit that there are statements of the victim and the witnesses suggesting the involvement of the appellants in the offence in question. They, therefore, urged for dismissal of the appeal.

5. Considered the submissions advanced. Perused the documents relied on. The appellants have not been named in the F.I.R. There is delay of little over twenty four hours in lodging the F.I.R. The investigation has been over. Charge-sheet is filed. Considering the allegations in the F.I.R. pretrial detention of the appellants is unwarranted. Hence the following order :-

ORDER

- (i) Criminal appeal is allowed.
- (ii) Impugned order dated 07th January, 2022 passed by the learned Additional Sessions Judge, Udgir in Criminal Miscellaneous Application (Bail) No. 246 of 2021 is hereby set aside.
- (iii) The appellants be released on bail, in connection with Crime No. 333 of 2021 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Sections 341, 365, 395, 397, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on their executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.
- (iv) The appellants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)