

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

981 CRIMINAL APPEAL NO.125 OF 2022

**NAMDEO RAMBHAU AGRE
VERSUS
POLICE INSPECTOR, POLICE STATION PARNER, DISTRICT
AHMEDNAGAR AND OTHERS**

...

Advocate for Appellant: Mr. Rupesh A Jaiswal

APP for Respondent No.1: Mr. K. S. Patil

Advocate for Respondent Nos.2&3:

Mr. Vishal A. Bagadiya

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**CORAM: SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE: 17th JUNE, 2022

PER COURT:

1. This is an appeal challenging the order granting bail to Respondent Nos.2 and 3 passed by the Additional Sessions Judge, Ahmednagar on 09.12.2021 in Criminal Bail Application No.1869 of 2021 in connection with C.R. No.839 of 2021 registered with Parner Police Station under Section 302, 201 read with Section 34 of the IPC. Subsequently, Section 3(1)(r)(s)m, 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are added.

2. The main grievance of the appellant is that the bail was granted without notice to the informant which is the mandate of Section 15-A of the said Act. Learned Counsel for the Respondents also agrees that Section 15-A provides opportunity of hearing to the victim. In that view of the matter, the order passed without hearing the first informant cannot be sustained. The matter will have to be remanded back to the same learned Judge for fresh consideration after hearing both the sides and mainly the first informant. In this view of the matter, following order is passed-

ORDER

[I] The impugned order is set aside.

[II] The same Court shall decide the Criminal Bail Application No.1869 of 2021, after hearing Respondent Nos.2 and 3 as well as the present appellant and then pass the order.

[III] Since, Respondent Nos.2 and 3 are already on bail pursuant to the same order, the said protection shall continue till decision of the aforesaid bail application.

[IV] The bail application shall be decided within a period of one (01) month from today.

[V] The parties shall appear before the learned Judge on 23.06.2022.

3. The Criminal Appeal is disposed of.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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