

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

952 CRIMINAL APPEAL NO.128 OF 2022

**SOPAN RAMRAO SHEVALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Appellants : Mr. S. S. Shete
APP for Respondent no.1-State: Mr. S. D. Ghayal
Advocate for Respondent no.2 : Mr. N. K. Tungar (appointed)

....

**CORAM : V. M. DESHPANDE AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 20/04/2022.

....

P. C. :

1. This is an appeal under Section 14(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act since the application for pre-arrest bail was filed on behalf of the appellants was rejected by the learned trial court.

2. Heard the learned counsel for the appellants, learned APP for respondent no.1-State and also the learned counsel for respondent no.2, who was appointed by this court vide order dated 28th March, 2022.

3. With the assistance all of the learned counsel we have gone through the contents of the first information report and other papers, which were placed along with this appeal. The appellants

who are accused in crime No. 14 of 2022 registered with Jintur Police Station, District Parbhani for the offence punishable under Sections 326, 324, 141, 143, 147, 149, 323, 504, 506 of IPC and section 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

4. After having gone through the contents of same, it is clear that very specific role is attributed against both the applicants that they have assaulted by a dangerous weapon i.e. iron rod on the head and right hand of one Rahul. In view of the specific allegations, we accept submissions of the learned APP for the State that the custodial presence of the appellants is necessary for recovery of the weapons which they used during the course of assault. Hence, rejected.

5. Needless to mention that the learned counsel for respondent no.2 is entitled to receive his professional charges from Legal Aid Committed as admissible under rules.

(SANDIPKUMAR C. MORE, J.)

(V. M. DESHPANDE, J.)

vsm/-