

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

CRIMINAL APPEAL NO.380 OF 2022

Firoj Gulab @ Umed Bagwan

..Appellant

Vs.

1. The State of Maharashtra
2. Kishor s/o. Sudamrao Chavan

..Respondent

Mr.K.N.Shermale, Advocate for appellant
Mr.S.W.Munde, APP for respondent no.1

**CORAM : R.G. AVACHAT, J.
DATE : JUNE 08, 2022**

ORDER :-

This is an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("the Act", for short).

2. The challenge herein is to the order dated 09.05.2022 passed below Exh.1 in Criminal Bail Application No.170 of 2022, refusing to release the appellant herein in connection with Crime No.270 of 2022 registered with Sangamner City Police Station, Tq. Sangamner, Dist. Ahmednagar.

3. Heard learned counsel for the parties.

4. Perused the First Information Act (F.I.R.) and the related papers. The FIR has been lodged by one who claims to be a social worker. It has been alleged in the FIR that on 14.04.2022, celebration of birth anniversary of Dr. Babasaheb Ambedkar was afoot at Sangamner. A procession in that regard was on its way. A group of about 100-120 persons belonging to Muslim community entered the procession. They were armed with green and saffron flags. They gave slogans "Islam Zindabad". The appellant herein was one of those persons. They even inappropriately touched women in the procession with intention to outrage their modesty. The crime, therefore, came to be registered.

5. In spite of service of notice, none appeared for the respondent-informant. Learned APP was, therefore, requested to represent him as well. He would submit that the appellant had actually participated in the crimes in question. The C.C.T.V. footage indicating his involvement is very much available. Learned Addl. Sessions Judge, after having considered the role played by the appellant, rejected the application. Investigation of the crime is underway. He, therefore, urged for rejection of the appeal.

6. Learned counsel for the appellant would, on the other hand, submit that no overt act has been attributed to the appellant. For over one and half months, he has been behind the bars. No fruitful purpose would be served by keeping him in jail, pending investigation.

7. Considered the submissions advanced. Perused the FIR. Gone through the order impugned herein.

8. True, the appellant was one of the persons in the group, which entered the procession and indulged in criminal activities. He is not alleged to have committed any offence against human body. For over one and half months, he has been behind the bars. No useful purpose would be served by refusing to grant him bail. Imposing some conditions would serve the purpose. The appeal, therefore, deserves to be allowed.

9. Hence, the following order:-

(i) The appeal is allowed.

(ii) The appellant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in

the like amount, in connection with Crime No.270 of 2022 registered with Sangamner City Police Station, Tq. Sangamner, Dist. Ahmednagar.

(iii) The appellant shall mark his presence at the concerned police station during 12.00 noon and 01.00 p.m. on every Sunday for the next eight weeks.

(iv) The appellant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP