

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

928 CRIMINAL APPEAL NO.466 OF 2022

RAMZAN MUSTAFA SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. G. R. Syed.

APP for Respondent/State: Mr. S. P. Deshmukh.

Advocate for Respondent No.2: Mr. Mayur Subhedar. (Appointed).

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 03rd August, 2022.

PER COURT.:

. It is an appeal preferred by the appellant aggrieved by the rejection of bail at the hands of Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC ST Atrocities Act").

2 Heard Mr. G. R. Syed, learned counsel for the appellant, Mr. Deshmukh, learned APP for the respondent/State and Mr. Mayur Subhedar, learned appointed counsel for respondent No.2/first informant. Perused the record.

3 Crime No.392 of 2022 came to be registered at Newasa Police Station, District Ahmednagar against the appellant for the

offence punishable under Sections 324, 341, 323, 504, 506 and 427 read with 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of the SC & ST (Prevention of Atrocities) Act. The appellant came to be arrested on 11th May, 2022 and since the date of arrest he is behind bars.

4 Mr. Syed, learned counsel for the appellant urged to grant bail mainly on the ground that the investigation of the case has been completed and the charge-sheet has been filed. There is no extraordinary circumstance to keep the appellant behind bars after completion of investigation.

5 On the other hand, the learned APP for the State and the learned counsel for respondent No.5 strongly opposed to grant bail to the appellant having regard to the criminal antecedents and incident of threatening of witnesses.

6 Having regard to the nature of offence registered against the appellant coupled with the provisions of the SC & ST (Prevention of Atrocities) Act and looking to the fact that the investigation is over and charge-sheet is filed, there is no need to keep the appellant behind the bars. So far as the question of apprehension of tampering with witnesses is concerned, that can be taken care of by imposing certain

conditions. Hence, the following order:

ORDER

- I. The appeal is hereby allowed.
- II. The impugned order passed by the learned Additional Sessions Judge, Newasa dated 14th June, 2022 in Criminal Bail Application No.179 of 2022, is hereby quashed and set aside.
- III. The appellant shall be released on bail on his furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties of the like amount on the following conditions.
 - a) The appellant shall not tamper with the prosecution witnesses and evidence in any manner.
 - b) The appellant shall not enter in village Mukindpur till the evidence of first informant and eye-witnesses is recorded by the Trial Court.
 - c) The appellant shall furnish his in detail address and cell number with the Trial Court.

d) The appellant shall not put any impediment in the trial.

e) Bail before the Sessions Court.

IV. Mr. Mayur Subhedar, learned counsel is appointed through the Legal Aid Panel to espouse the cause of the first informant/respondent No.2. The Secretary, High Court Legal Services Sub Committee, Aurangabad, is hereby directed to pay Rs.3,000/- (Rupees Three Thousand Only) to Mr. Mayur Subhedar, learned counsel towards his professional fees as per Rules.

V. The criminal appeal is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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