

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

CRIMINAL APPEAL NO. 374 OF 2021

1. Shivaji Subhash Chavan
Age: 39 years, Occu. Agri.
 2. Shrinivas Subhash Chavan
Age: 30 years, Occu: Agri.,
Both are R/o Chidgiri, Tq. Bhokar
Dist. Nanded
- ... Appellants

Versus

1. The State of Maharashtra
Through Police Station Bhokar,
Tq. Bhokar, Dist. Nanded
 2. Anil Chandu Savate
Age: 31 years, Occu. Agri.,
R/o Chidgiri, Tq. Bhokar,
Dist. Nanded
- ... Respondents

**WITH
CRIMINAL APPEAL NO.163 OF 2021**

1. Mohan Uttam Chavan
Age: 39 years, Occu: Business,
R/o Nagarjuna Nagar, Nanded
 2. Pravin Uttam Chavan
Age: 37 years, Occu. Agri &
President of Tantamukti
R/o Chitgiri, Tq. Bhokar,
Dist. Jalna
- ... Appellants

Versus

1. The State of Maharashtra
Through P. I. Bhokar
Police Station, Tq. Bhokar, Dist. Nanded

2. Anil Chandu Savate
Age: 31 years, Occu. Agri.,
R/o Chitgiri, Tq. Bhokar,
Dist. Nanded

... Respondents

....

Mr. P P More, Advocate h/f Mr. A. B. Shinde, Advocate for appellants
Mrs. G. L. Deshpande, APP for the State
Mr. D. S. Patil, Advocate appointed for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 10th JANUARY, 2022

PER COURT :-

. Heard.

2. The challenge herein is to the orders refusing to grant anticipatory bail to the appellants herein.

3. Crime vide Crime No.082/2021 has been registered against the appellants herein for the offence punishable under Sections 143, 341, 504, 506 of the Indian Penal Code and under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Learned APP and the learned Advocate for the respondent No.2 – informant would submit that the allegations in the FIR *prima-facie* make out the offence and therefore, they are not entitled for protection in view of Section 18 of the Act. They would further submit that the appellants herein had threatened the informant subsequent to registration of the crime. They have criminal antecedents as well.

5. Perused the First Information Report (FIR). No overt act meaning thereby offence against human body is alleged to have been committed by any of the appellants herein. They are alleged to have abused the informant over his caste. It appears that there was dispute between the parties over Grampanchayat election. The FIR has been lodged two days after the alleged incidence. No explanation has been offered regarding the delay. As such, possibility of having lodged the FIR with false allegations cannot be ruled out.

6. As has already been observed that allegations in the FIR might have been concocted, this Court is therefore inclined to allow the appeals. Hence, following order.

ORDER

- (i) Both the appeals are hereby allowed.
- (ii) The order dated 25.05.2021 below Exh.01 in Misc. Criminal Application No. 36 of 2021, passed by the learned Additional Sessions Judge, Bhokar, Dist. Nanded and the order dated 10.03.2021 below Exh.01 in Misc. Criminal Application No. 29 of 2021, passed by the learned Additional Sessions Judge, Bhokar, Dist. Nanded, are hereby set aside.
- (iii) In the event of arrest in connection with Crime No.082 of 2021, registered with Bhokar Police Station, Dist. Nanded, for the offence punishable under Section 143, 341, 504, 506 of the Indian Penal Code and under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellants be released on their executing P. R. Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with surety bond each in the like amount.

- (iv) The appellants shall not tamper with the prosecution evidence and shall report to the concerned Police Station as and when required.

7. The fees of Shri D. S. Patil, learned Advocate, who was appointed for respondent No.2 is quantified at Rs.7,000/- (Rupees Seven Thousand).

[R. G. AVACHAT, J.]

SMS