

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

CRIMINAL APPEAL NO.594 OF 2022

1. Dilip Natthu Dhangar
2. Motilal Nathu Patel
3. Chetan S/o Parshuram Bhoi
4. Deepak Soma Bhoi (More)
5. Soma Zendu More
6. Sandip Upendra @ Rupendra Chaudhari ... Appellants

Versus

1. The State of Maharashtra
2. Jyoti Kantilal Pardhi ... Respondents

....

Mr. Prakashshing B. Patil, Advocate for the Appellants
Mr. P.G. Borade, APP for Respondent No.1/State
Mr., V.P. Raje, Advocate for Respondent No.2

AND

CRIMINAL APPEAL NO. 494 OF 2022

1. Baban Adhar Bhoi (More)
2. Mayur Baban Bhoi (More)
3. Prakash Bhatu Patel (Patil)
4. Sadashiv Mitharam Bhoi (Wadile)
5. Ravindra Daga Dhangar
6. Sanjay Uttam Dhangar ... Appellants

Versus

1. The State of Maharashtra
2. Mangalabai D/o. Gulab Koli ... Respondents

....

Mr. V.P. Raje, Advocate for the Appellants
Mr. P.G. Borade, APP for Respondent No.1/State
Mr. Prakashshing B. Patil, Advocate for Respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29 SEPTEMBER 2022

PER COURT:-

. Heard finally with consent of both the sides.

2. Heard Mr. Prakashsing B Patil, learned counsel for the appellants in appeal No.594 of 2022 and Mr. V.P. Raje, learned counsel for the appellants in appeal No. 494 of 2022, and Mr. Borade, learned APP for respondent No.1/State in both the appeals.

3. It is revealed during the course of argument that there was election for one post of Schedule Tribe category of Grampanchat, Tekwade. The result was declared on 05.06.2022. The alleged incident seems to have been taken place on 06.06.2022. Both the parties have filed counter F.I.R. against each other. The genesis of both the F.I.R. is the result of Grampanchyat election. Out of political rivalry between two groups, they seem to have filed counter cases against each other. *Prima facie*, it is difficult to attract the provisions of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1889 against respective

parties in connection with connected crimes in view of doubtful genesis of F.I.R. filed by the respective parties.

4. Under these circumstances, it would be just and proper to release the appellants by giving protection of anticipatory bail. However, certain conditions need to be imposed so that the remaining part of investigation can be taken care of.

ORDER

(i) Both the appeals are hereby allowed.

(ii) The impugned order passed by the learned Additional Sessions Judge, Dhule in criminal bail application No. 507 of 2022 dated 21.06.2022; so also, the impugned order passed by the learned Additional Sessions Judge Dhule in criminal bail application No. 497 of 2022, are hereby quashed and set aside.

(iii) In the event of arrest, the appellants in **Criminal Appeal No. 594 of 2022**, namely (1) **Dilip Natthu Dhangar**, (2) **Motilal Nathu Patel**, (3) **Chetan Parshuram Bhoi**, (4) **Deepak Soma Bhoi (More)**, (5) **Soma Zendu More** and (6) **Sandip Upendra @ Rupendra Chaudhari** in connection with F.I.R. No. 0304 of 2022 registered at Shirpur Police Station,

District Dhule for the offences punishable under Sections 143, 147, 341, 504, 506 of the Indian Penal Code and Sections 3(1)(m) and 3(1)(k) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 **AND** in the event of arrest, the appellants in **Criminal Appeal No. 494 of 2022**, namely (1) **Baban Adhar Bhoi (More)**, (2) **Mayur Baban Bhoi (More)**, (3) **Prakash Bhatu Patel (Patil)**, (4) **Sadashiv Mitharam Bhoi (Wadile)**, (5) **Ravindra Daga Dhangar** and (6) **Sanjay Uttam Dhangar** in connection with F.I.R. No. 0305 of 2022 registered at Shirpur Police Station, District Dhule for the offences punishable under Sections 324, 452, 143, 147, 148, 149, 504, 506, 509 of the Indian Penal Code and Sections 3(1)(d), 3(1)(f) and 2 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on bail on their furnishing P.R. bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each, with one or two solvent sureties of the like amount by each of them on the following conditions:-

- (a) They shall remain present as and when called by the Investigating Officer for investigation and co-operate to the investigating agency.

- (b) The appellants shall not tamper with the prosecution witnesses and evidence in any manner.
- (iii) Inform the concerned police station and Court accordingly.
- (iv) Both the appeals stand disposed of accordingly

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane