

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

CRIMINAL APPEAL NO. 602 OF 2022

Kundlik Vitthal Tidke

.. Appellant

Versus

The State of Maharashtra and another

.. Respondents

Mr. S. E. Shekade, Advocate for the Appellant.

Mr. Y. G. Gujarathi, APP for Respondent No. 1.

Mr. Rahul M. Gaikwad, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 23rd NOVEMBER, 2022.

P C. :-

1. Heard learned advocate for the appellant.
2. The appellant is shown as accused No. 9 in FIR lodged in Dindrud Police Station, District Beed dated 26.05.2022 bearing FIR No. 0081/22. Accused Siddheshwar, Bhanudas, Machindra and Rajanikant are already protected by the order passed by this Court in Criminal Appeal No. 545/2022 dated 05.08.2022 and remaining accused are released on regular bail by the Sessions Court. So far as this appellant is concerned, there is specific allegation that he has abused the wife of the informant in the name of caste and also bitten her.
3. Read the FIR. Only question that arises for consideration is that

the place of incident is shown to be in front of the house in the field of the informant and whether it can be said to be a public place. It is a specific case of the appellant that the field/agricultural field cannot be said to be a public place.

4. Learned A.P.P. and the learned advocate for respondent No. 2 vehemently objected this appeal stating that there is clear role attributed to the present appellant. He has insulted the informant and his wife in the name of caste by uttering specific words about caste. Further submission is that, the incident has taken place in front of the house and therefore, it certainly can be said to be a public place.

5. Considering the above submissions, this Court feels that it would certainly be a debatable question whether to call the place of incident as public place or not. At this stage, this Court is of the opinion that, a case is made out to allow the appeal. Hence, the following order.

ORDER

(I) The order passed by the learned Additional Sessions Judge, Majalgaon in Criminal Bail Application No. 188/2022 dated 13.06.2022 is quashed and set aside.

(II) The appellant shall be released on bail in the event of his arrest in connection with Crime No. 0081/2022 dated

26.05.2022 registered with Dindrud Police Station, District Beed.

(III) The criminal appeal is thus disposed of.

6. Learned advocate for respondent No. 2 is appointed through Legal Aid. He shall be entitled to receive the fees as per the rules.

(KISHORE C. SANT, J.)

P.S.B.