

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

926 CRIMINAL APPEAL NO.675 OF 2022

**NAGORAO GANGADHAR TOPALWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.O.B. Boinwad, Advocate for the appellant.
Mr.S.W. Mundhe, APP for the respondent/State.
Mr.A.R. Borulkar, Advocate for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 18.11.2022**

PC :-

01. Heard learned Advocate for the appellant. This appeal is for regular bail in connection with crime registered with Bhokar Police Station bearing Crime No. 209 of 2022. The applicant is arrested on 11.06.2022 and since then he is in custody. It is argued that no serious role is attributed to the appellant. The offence is under sections 353, 332, 341, 323, 504, 506, 34 of Indian Penal Code and under sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

02. Perused the FIR. It is seen that informant-Talathi has lodged the complaint that when they had been to the field for making inspection along

with his superior officer & for making enquiry in connection with application made to the authorities in respect of field Gat No.120, while returning from the spot, this appellant along with others accosted the authorities and abused in the name of caste of the informant. Further allegation is that the accused persons assaulted and beaten the officers by stick. The informant belongs to scheduled caste and therefore offence came to be registered even under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He points out from the medico-legal certificate that the injuries are simple in nature on the person of the informant. It is submitted that except this appellant, other accused are already released on bail by the Sessions Court.

03. Learned APP invited attention of this Court to the order passed by the learned Sessions Judge, Bhokar. The Court has recorded that there are as many as six offences pending against this appellant. In three of these offences, section 353 is attracted. He submits that the appellant is habitual offender and there are criminal antecedents. Therefore, it is not desirable to release the appellant on bail.

04. Learned Advocate for respondent No.2 also submits that if the

appellant is released on bail, it would be a threat to all the Government officers as the appellant is in habit of threatening the officers.

05. Considering the arguments and record and specially considering the fact that the applicant is in jail since last more than five months, this Court feels that it would be in the interest of justice to release on the appellant on bail by imposing certain conditions. Hence, following order :-

ORDER

i) The appellant shall be released on bail in connection with Crime No.209 of 2022, registered with Bhokar Police Station on furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one solvent surety in the like amount.

ii) The appellant shall not enter the limits of Bhokar Taluka till trial is over except for attending dates in the Trial Court.

iii) The appellant shall further give undertaking to the Trial Court that he will not indulge in any illegal activity and will not commit any offence. If any such incidence is found, then the prosecution will be at liberty to file appropriate proceeding seeking cancellation of bail.

iv) The criminal appeal is disposed off accordingly.

[KISHORE C. SANT, J.]