

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

CRIMINAL APPEAL NO. 692 OF 2022

Aabarao Marotrao Deshmukh

.. Appellant

Versus

The State of Maharashtra and another

.. Respondents

Mr. Balaji S. Chondhekar, Advocate for the Appellant.

Mr. P. N. Kutti, APP for Respondent No. 1.

Mr. Rupesh Jaiswal, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 08th DECEMBER, 2022.

P C. :-

1. Heard learned advocate for the appellant, learned A.P.P. for State and learned advocate for respondent No. 2.

2. From reading of the FIR, it is seen that this accused is not specifically named in the FIR as his name was not known to the informant. However, taking the allegation as it is, the allegation is that four unknown persons assaulted the informant and abuses are also given in the name of caste. In the supplementary statement, the informant has said that he came to know the names of the accused persons after the incident. The FIR is registered on 26.03.2021 for the offences punishable under Sections 324, 323, 504, 143, 147, 148, 149

of the Indian Penal Code (for short “I.P.C.”) and Sections 3 (2) (va), 3 (2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short “Atrocities Act”). In the supplementary statement dated 01.04.2021 he stated that he came to know about the names of the accused persons. However, in the supplementary statement he has only stated that the four unknown persons had bitten him up. In the supplementary statement the informant has not attributed specific role to anyone, nor he has stated as to which of the accused abused him in the name of caste. There is another statement of one Mr. Shaikh Khaja who is said to be an independent witness. However, in his statement also he has not stated that the abuses were given in the name of caste.

3. Thus, it is seen that no offence is made out under the Atrocities Act. It is reported that, other three persons are already protected in the event of their arrest under the order passed by the learned Sessions Judge.

4. Considering the above position, the appeal is allowed.

5. The appellant be released on bail in the event of his arrest in connection with offences registered with Sengaoon Police Station bearing No. 0093/2021 dated 26.03.2021 punishable under Sections 324, 323, 504, 143, 147, 148, 149 and Sections 3 (2) (va), 3 (2) (v) of

the Atrocities Act on furnishing PR. bond in the sum of Rs. 15,000/- (Rs. Fifteen Thousand only) and one solvent surety in the like amount.

6. The appeal is thus disposed of.

7. Learned advocate for respondent No. 2 is appointed through legal aid. He will be entitled to receive the fees as per the rules.

(KISHORE C. SANT, J.)

PS.B.