

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

901 CRIMINAL APPEAL NO.760 OF 2022

**DINKAR @ RAMDAS DASHRATH HIWARDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. S. T. Veer, Advocate for the appellant
Mr. A. M. Phule, APP for the respondent/State
Mr. P. T. Athawade, Advocate for respondent No.2

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.
DATED : 21st OCTOBER, 2022**

PER COURT :-

1. This is an appeal filed by the appellant under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the judgment and order dated 28th September, 2022 passed by the learned Special Judge, Aurangabad rejecting the application for regular bail in connection with Crime No. 0366 of 2022 registered with Khultabad Police Station, Tal. Khultabad, Dist. Aurangabad.

2. Perused the first information report. It is informed that the charge-sheet has been filed. The appellant has not

been attributed with any overt act indicating any offence against human body. He is alleged to have abused the informant and other over their caste.

3. Learned APP for the respondent/State and learned counsel for the informant have opposed to grant the application.

4. Except allegations regarding the appellant to have abused the informant and others over their caste, there is nothing indicating involvement of the appellant in the main offence under Section 302 read with Section 34 of the Indian Penal Code. The appellant is in jail since 24th August, 2022. On investigation, charge-sheet has been filed. It will take time for the trial to commence and to come to its logical conclusion. In the facts and circumstances of the case, detention of the appellant is unwarranted Hence the order.

ORDER

(i) The appeal is allowed.

(ii) The appellant be released on bail in connection with

Crime No. 366 of 2022 registered with Khultabad Police Station, Tal. Khultabad, Dist. Aurangabad, on his executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The appellant shall not tamper with the prosecution evidence.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

ssp