

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

CRIMINAL APPEAL NO. 564 OF 2021

1. Dashrath Baban Satpute
Age: 66 years, Occu. Agril.,
2. Yogesh Dashrath Satpute
Age: 28 years, Occu. Education
3. Shital Dashrath Satpute
Age: 25 years, Occu. Education

All R/o Maldad Road, Datta Nagar,
Sangamner, Tq. Sangamner,
Dist. Ahmednagar

... Appellants

Versus

1. The State of Maharashtra
Through Police Station Officer,
Sangamner Police Station,
Tq. Sangamner, Dist. Ahmednagar
2. Jayatai Rahul Dolas
Age: 48 years, Occu. Household,
R/o Chaitanya Nagar, Sangamner,
Tq. Sangamner, Dist. Ahmednagar

... Respondents

....

Mr. P P More, Advocate for appellants

Mr. S. P. Sonpawale, APP for respondent No.1

Mr. Youraj S. Choudhari, Advocate for respondent No.2

....

CORAM : R. G. AVACHAT, J.

DATED : 10th JANUARY, 2022

PER COURT :-

. Heard.

2. The challenge herein is to the order refusing to grant anticipatory bail.

3. Learned APP and the learned Advocate representing the informant would submit that the allegations in the First Information Report (FIR) make out the offence and therefore the appellants herein are not entitled for protection in view of Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. They would further submit that the brother of complainant had agreed to purchase a plot and agreement for sale came to be executed.

4. Considered the submissions made. Perused the FIR. It appears that there is a property dispute between the appellants on one hand and the informant on the other. The alleged incident took place when a Government Surveyor had come at the site for measurement of the land. The appellants herein are alleged to have abused the informant over the caste. No overt act has been attributed. There is delay of little over 24 hours in lodging FIR. The delay appears to have not been explained. The statement of the Government Surveyor does suggest that no offence took place in his presence. In this factual backdrop, the appeal needs to be allowed in terms of the following order.

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 01.10.2021, passed by the learned Additional Sessions Judge, Sangamner, Dist. Ahmednagar below Exh. 1 in Bail Application No.288 of 2021, is hereby set aside.
- (iii) In the event of arrest in connection with Crime No.0436 of 2021, registered with Sangamner City Police Station, District Ahmednagar for the offence punishable under Sections 323, 504, 34 of the Indian Penal Code and under Sections 3(i)(r)(s), 3(2)(v), 3(5-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellants be released on their executing P. R. Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with surety bond each in the like amount
- (iv) The appellants shall not tamper with the prosecution evidence and shall report to the concerned Police Station as and when required.

[R. G. AVACHAT, J.]

SMS