

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

937 CRIMINAL APPEAL NO.750 OF 2022

**ANKUSH BALAJI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Gajanan G. Kadam, Advocate for the appellant
Mr. S. S. Pidgeward, Advocate for respondent No.2
Mr. Y. G. Gujrathi, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 02nd DECEMBER, 2022

P. C.

1. Heard the learned advocates for the parties.
2. The present appellant has filed the appeal against the order passed by the learned Additional Sessions Judge, Kandhar dated 23-09-2022 whereby the application for regular bail filed by this appellant came to be rejected in connection with the offence registered at Sonkhed Police Station dated 21-08-2022 for the offences punishable under Sections 323, 504, 506 read with Section 34 of the Indian Penal Code and 3(1)(r) and 3(1)(s) and 3(2)(va) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act. It is submitted that the appellant was arrested immediately on 24-08-2021 and since then he is in jail. Now even the charge-sheet is filed on 07-10-2022. He submitted that he is falsely implicated in the offence because there are civil dispute pending between the parties. Just to over come that this complaint is filed.

3. Learned APP submits that there are four witnesses and there are statements recorded under sections 164 of Cr. P. C. Learned APP submits that accused and the informant are resident of same locality. If the appellant is released on bail he may again commit such type of offence. There is material available against the accused and therefore, appellant is not entitled to grant bail.

4. Learned advocate for respondent No.2 vehemently opposed the appeal. He also submitted that there are statements under Section 164 of the Cr. P. C. recorded by the Magistrate. Witnesses are independent witnesses. The informant has

received injuries which are serious in nature and prays for rejection of the appeal.

5. Thus, it appears that there are statements against the appellant. In the FIR a specific role is attributed to present appellant. Going through the MLC certificate issued by PHC Sonkhed, Tq. Loha, Dist. Nanded it is seen that injuries are simple in nature and considering that the accused is in jail since more than three months, no purpose would be served by keeping him in jail when the investigation is over and charge sheet is filed.

6. Though the learned APP submitted that there is again possibility of committing such offence, he could not pointed out the other accused persons who already released on regular bail are indulging into activities after they are released.

7. Considering the above, following order is passed.

(4)

criapl750.22

ORDER

- a] The appellant shall be released on bail on furnishing PR bond of Rs.15,000/- with one solvent surety in the like amount.
- b] The appellant shall not tamper the evidence and not contact any of the witnesses.
- c] The appellant to attend the concerned police station as and when called by the Investigating Officer.
- d] The appeal stands disposed off.

[KISHORE C. SANT, J.]

VishalK/criapl750.22