

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 240 OF 2022

Shrikant Dnyandeo Ghule	...Appellant
Versus	
The State of Maharashtra and Anr.	...Respondents

ALONGWITH
CRIMINAL APPEAL NO. 284 OF 2022

1. Samadhan Jagganath Jadhav	
2. Pandurang Malari Jadhav	
3. Rahul @ Dnyaneshwar Suresh Chavan	...Appellants
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Pranav Pokale a/w Abhishek P. Patil for the Appellants.

Mr. Swapnil R. Chopade and Vaibhav Dhinje, for the Respondent No.2/Original Complainant.

Mr. A.D.Kamkhedkar, A.P.P for the Respondent No.1-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 25th MARCH, 2022

P.C. :

1. Heard learned Counsel for the parties in both the aforesaid appeals.

2. Since both the appeals arise out of the same C.R., they are heard together and are being decided by a common order.

3. The appellants, in both the aforesaid appeals, seek their enlargement on bail in connection with C.R.No. 844 of 2021 registered with the Akluj Police Station, Solapur, for the alleged offences punishable under Sections 143, 147, 149, 323, 504, 506, 427, 338 of the Indian Penal Code, as well as, under Sections 3(1)(r), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act ('SC/ST Act' for short).

4. Learned Counsel for the appellants in both the aforesaid appeals states that the allegations as against the appellants are false and baseless. He submits that the appellants are in custody since 6th December, 2021 and that investigation is complete and chargesheet is filed. He submits that all the sections are bailable except the offences punishable under the SC/ST Act. He further submits that as far as allegations of caste abuses are concerned, admittedly, the appellants are not alleged to have abused the first informant in the name of his caste.

5. Learned APP does not dispute the fact that there are no

allegations that the appellants hurled abuses in the name of the complainant's caste.

6. Learned Counsel appearing for the respondent No.2 states that he has instructions to appear on behalf of the respondent No.2 and that he will file his vakalatnama within one week. On merits, learned Counsel for the respondent No.2 submits that although, the appellants have not hurled abuses in the name of the complainant's caste, they have pelted stones at the respondent No.2's house direction, as a result of which, the property of the complainant and his relatives got damaged.

7. Perused the papers. It appears that the incident took place on 3rd December, 2021 at the annual fair of Siddhanath, where the respondent No.2 had gone to seek blessings. It is alleged by the respondent No.2 (original complainant) that when he was heading towards the temple, he saw that the accused No.1-Rahul Chavan (appellant No.3 in Criminal Appeal No.284 of 2022) and one Amogh Shinde were engaged in a verbal spat. On hearing the same, the respondent No.2 intervened in the said fight between Rahul and Amogh, pursuant to which, accused No. 8-Raju Bhale gave a fist blow to the respondent No.2 and abused him in the name of his caste and ran towards the temple. The respondent No.2 has further

alleged that at around 7.00 p.m., other accused who were standing near the temple, came and pelted stones towards the respondent No.2's house and thereafter left in an Innova car. He submits that as a result of pelting of stones, the property of respondent No.2 and his family was damaged. The appellants are in custody since 6th December, 2021. Investigation is complete and chargesheet is filed and as such, further detention of the appellants is not warranted.

8. Accordingly, both the appeals are allowed and the appellants are enlarged on bail on the following terms and conditions;

ORDER

(i) The Appellants be released on cash bail in the sum of Rs. 15,000/- each, for a period of six weeks;

(ii) The Appellants shall furnish PR Bond in the sum of Rs. 15,000/- each, with one or two sureties in the like amount, within a period of six weeks of their release on cash bail, before the appropriate Court (C.R.No.844 of 2021 registered with the Akluj Police Station, District Solapur);

(iii) The Appellants shall inform their latest place of

residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the concerned Officer of the concerned Police Station;

(iv) The Appellants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

9. The appeals are accordingly disposed of in the aforesaid terms.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.