

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1086 OF 2022

Sumit Bharat Mansawale & Anr. Appellants

versus

State of Maharashtra & Anr. Respondents

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- Mr. Viresh V. Purwant, Advocate for Appellant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr. Sushan Mhatre (Appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th NOVEMBER, 2022

P.C. :

1. The Appellants have challenged the order dated 21/10/2022 passed by Incharge Additional Sessions Judge, Solapur, in Criminal Bail Application No.1377 of 2022. In effect the Appellants are seeking bail in connection with C.R. No.527/2022 registered with MIDC police station on 20/09/2022 u/s 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,

1989 (for short 'Atrocities Act') and u/s 504 and 506 of the Indian Penal Code. The Appellants were arrested on 10/10/2022 and since then they are in custody.

2. Heard Mr. Viresh V. Purwant, learned counsel for the Applicant, Mr. Sushan Mhatre, learned counsel for Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.
3. The FIR is lodged by the Respondent No.2 on 20/09/2022. He has stated that he was on friendly terms with the Appellant's father Bharat, who had many vehicles. The Respondent No.2 based on their friendly relations took one vehicle from Bharat. The Respondent No.2 used to pay installments, but some installments were due. Therefore Bharat was persistently demanding his dues. For that purpose he was harassing him. It is alleged that on 11/09/2022 Bharat sent a voice message to Respondent No.2 in abusive language with reference to his caste. The Respondent No.2 forwarded that message to his friend and he himself deleted that message. He

decided to return the vehicle to Bharat. He went to Bharat's house, where he met Bharat's son Abhijeet. According to Respondent No.2 Abhijeet supported his father. In the meantime both the Appellants reached there, who were Bharat's other sons. It is alleged that both of them abused him with reference to his caste. On this basis, the FIR is lodged.

4. Learned counsel for the Appellant submitted that the incident allegedly took place on 11/09/2022 and the FIR is lodged much belatedly on 20/09/2022, which shows that there was deliberation and concoction of false story against the Appellants. Both the Appellants are about 19 to 20 years of age. The allegations against them are vague, as no specific utterance is attributed to a particular Appellant. It is a general statement. They are already in custody for more than 1 month. Their further custody for investigation purpose is not required. The main dispute is between the Appellant's father and the Respondent No.2.

5. Learned APP as well as learned counsel for the Respondent No.2 opposed grant of any relief. They submitted that the offences against the Appellants are clearly spelt out in the FIR and therefore bail should not be granted to them.

6. I have considered these submissions. The FIR is lodged belatedly and at least in the FIR there is no explanation offered for this delay. As far as present Appellants are concerned, utterance attributed to them are not specifically directed to a particular Appellant. There is a general statement that both of them abused at the same time. This statement is general in nature. It is difficult to pinpoint that particular utterance with reference to caste to any particular Appellant. In any case, the Appellants are in custody since 10/10/2022. Therefore their further custody for investigation is certainly not required. The Appellants are young boys of 19 to 20 years of age. Therefore they deserve to be released on bail.

7. Hence, the following order :

ORDER

- (i) Appeal is allowed.
- (ii) In connection with C.R. No.527/2022 registered with MIDC police station, the Appellants are directed to be released on bail on their furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with one or two sureties each, in the like amount.
- (iii) Appeal stands disposed of accordingly.

(SARANG V. KOTWAL, J.)