

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

CRIMINAL APPEAL NO. 779 OF 2021

Ravindra Sitaram Patil

..Appellant.

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Dyaneshwar @ Dinesh W. Bhosale for Appellant.

Mr. S. R. Agarkar, APP for State/Respondent No.1.

Mr. Siddharth S. Deshpande for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 7th DECEMBER 2022

PC :

1. The Appellant has challenged the order dated 31/08/2020 passed by learned Additional Sessions Judge, Pandharpur, in Criminal Miscellaneous Application No.563 of 2020. In effect, the Appellant is seeking anticipatory bail in connection with C.R.No.419 of 2020 registered with Mangalwedha Police station for the offences punishable under sections, 354, 323, 504, 506, 143, 147 and 149 of I.P.C. and under sections 3(1)(r),

3(1)(s), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Mr. Dyaneshwar Bhosale, learned counsel for the Appellant, Shri. Agarkar, learned APP for the State and Shri. Siddharth Deshpande, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2 on 04/08/2020. It is alleged by the Respondent No.2 that, their family had lost their pet cat. They were searching for it. He made inquiries with many people. One Bandu Patil got annoyed with their inquiry. On 02/08/2020, at about 10.30p.m. when the Respondent No.2 was passing in the area of a water tank, at that time, accused Bandu Patil and Akash Patil were present. Bandu Patil slapped him and uttered derogatory words with reference to his caste. There are allegations that, at that time, other persons namely Sagar More, Popat Anpat, Pratik Patil and the present applicant were present there. They also assaulted the Respondent No.2 with kicks and fist blows. The Respondent No.2's wife came to intervene. At that time, accused Bandu Patil outraged her

modesty by pulling her clothes. On this basis the F.I.R. was lodged.

4. Learned counsel for the Appellant submitted that there are vague allegations against the Appellant. No offence under the Atrocities Act is attracted against him. He has not caused any injuries to the victim and, therefore, he deserves protection of an order of anticipatory bail.

5. Learned counsel for the Respondent No.2 opposed this application. He submitted that the F.I.R. gave specific role to the Appellant. Learned APP produced the investigation papers before me. He submitted that, there are eye witnesses to the incident who have supported the Respondent No.2's case and, therefore, protection may not be granted to the appellant.

6. I have considered these submissions. The incident is old. More than two years have passed. The allegations against the Appellant are vague and general. The injury certificate of the Respondent No.2 shows that there were only two injuries; one was blunt trauma and the other was contusion. Both injuries were on left ear. These injuries are directly attributed to the slap given by

Bandu Patil. There are no other injuries caused. The allegations are that the Appellant and others assaulted the Respondent No.2 with fist and kicks blows. It is not reflected in the injury certificate. Even otherwise, in the statements of the eye witnesses namely Kailas Satpute, Saurabh Randive, Prabhavati Randive there are general allegations of assaulting the Respondent No.2. The derogatory words are not attributed to the present appellant. Therefore, at this stage, it cannot be said that provisions of Atrocities Act are attracted against the Appellant. The Appellant deserves protection of anticipatory bail order. It is made clear that, all these observations are made only for passing of this order. The trial Court shall not be influenced by any of these observations at appropriate stage of trial.

7. Hence, the following order:

ORDER

i) The Appeal is allowed.

ii) In the event of his arrest in connection with C.R.No.419 of 2020 registered at Mangalwedha

Police station, the Appellant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

iii) The Appeal is disposed of.

(SARANG V. KOTWAL, J.)