

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 75 OF 2022

1. Sau. Meena W/o. Manohar Mahore,
Aged 66 years, Occu. Household

2. Swapnil S/o. Manohar Mahore
Aged 36 years, Occu. Business,

Both R/o. Behind Dhor Bazar,
Byepass Road, Geeta Nagar,
Institute of Nursing Education,
Akola, Tq. and Distt. Akola.

3. Rajesh S/o Panjabrao Kakad,
Aged 38 years, occu. Labour,
R/o. Morgaon Kakad, Akola,
Tah. and District – Akola.

.... **APPELLANTS.**

// VERSUS //

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Old City, Akola,
District – Akola.

2. Yogehs Bharat Jogdand,
Aged about 23 years,
Occupation : Labour,
R/o. Behind Damani Hospital,
Apatapa Road, Akot File, Akola,
District – Akola.

.... **RESPONDENTS.**

Shri R.N. Ghuge, Advocate for Appellants.
Ms Trupti Udeshi, A.P.P. for Respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 03, 2022.

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.**

3. The present appeal is arising out of rejection of anticipatory bail application vide order dated 05/02/2022 passed by the learned Additional Sessions Judge, Akola in Misc. Bail Application No.82/2022 in Crime No.102 of 2022 for the offences punishable under Sections 323 and 506 read with Section 34 of the Indian Penal Code and Sections 3 (1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The allegations are that the applicant Nos. 1 and 2 run an Institute of Nursing Education and Research. The informant was working in the said Institution as a Sweeper since year 2017. It is alleged that to make him permanent, applicant No.1 demanded Rs.50,000/- which was paid by the informant. It is further alleged

that the applicant Nos. 1 and 2 were not treating the complainant properly and they used to abuse him on his caste and also they used to assault him. It is alleged that on 31/10/2011, he went to bring his salary, at that time the applicants made him to do all the cleaning work in respect of Diwali festival and thereafter, the applicant abused him on his caste and had driven him out from there. It is further stated in the complaint that the informant had resigned from the service in the month of September, 2021.

5. The First Information Report shows that the period of occurrence of offence is from 12/07/2017 to 21/01/2021. *Prima facie*, from the contents of the First Information Report, it is clear that there are no specific dates or specific instances narrated by the informant but vague and general statements are made. After going through the case diary, *prima facie*, there is nothing to show the involvement of the appellants in the alleged offence.

6. In that view of the matter, I am of the opinion that appeal needs to be allowed and the order granting *ad-interim* anticipatory bail to the appellants dated 11/02/2021 needs to be

confirmed. Hence, I pass the following order:

- i) The Criminal Appeal is allowed.
- ii) The order passed by the Additional Sessions Judge, Akolain Misc. Bail Application No.82/2022 in Crime No.102 of 2022 on 05/02/2022 is set aside.
- iii) The order dated 11/02/2022 granting of *ad-interim* bail as regards applicant No.1 Sau. Meena w/o. Manohar Mahore and applicant No. 2 Swapnil s/o Manohar Mahore is confirmed.
- iv) In the event of arrest of the appellant No.3- Rajesh s/o Panjabrao Kakad in Crime No.102/2022 registered with the Police Station Old City, Akola, Dist. Akola, he shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.
- v) The appellants shall attend the police station as and when their presence is required.

The Criminal Appeal stands **disposed of** accordingly.

JUDGE

R.S. Sahare