

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

CRIMINAL APPEAL NO.333 OF 2022

(Sagar Purushottam Ghadekar and others Vs. The State of Maharashtra thr. PSO PS
Khallar, Amravati (Rural), Dist. Amravati and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R. S. Kurekar, Advocate with Mr. R. J. Shinde, Advocate for the Appellants.
Mrs. Mayuri Deshmukh, APP for the Respondent No.1/State.
Mrs. S. P. Giratkar, Advocate (Appointed) for Respondent No.2.

CORAM: **AVINASH G. GHAROTE, J.**

DATE: **29th JUNE, 2022.**

The appeal challenges the order dated 09.05.2022 passed by the Additional Sessions Judge, Achalpur in Criminal Application No.218/2022 rejecting the application for grant of interim bail in Crime 111/2022 dated 15.04.2022 registered with Police Station Khallar, Amravati (Rural), District Amravati for offence punishable under Sections 294, 504, 506 read with Section 34 of the Indian Penal Code and Section 25 & 4 of the Arms Act and Section 3 (1)(r), 3(1)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Mr. Kurekar, the learned Counsel for the appellants submits that there is nothing on record to indicate that the appellants were aware of the caste of the complainant and general allegations are attributed on behalf of the members of the procession and therefore, a case for grant of interim bail is made out. He, submits that by order

dated 26.04.2022 learned Division Bench of this Court in Criminal Application (APL) No.574/2022 has restrained the prosecution from filing the charge-sheet without leave of the Court, which indicates that a *prima facie* case for quashing of the FIR is being accepted by the learned Division Bench. He therefore, submits that a case for grant of anticipatory bail is made out.

Learned APP Mrs. M. H. Deshmukh with the assistance of Advocate Mrs. Giratkar, appointed for the respondent no.2 opposes the application and submits that there is sufficient material on record to indicate the commission of the offence and recovery is also to be made as the investigation is going on and the application be rejected.

Perusal of the complaint indicates that the allegations claimed are not made against any specific person. Though it is stated that the investigation is going on, the order of the learned Division Bench puts an embargo on the filing of the charge-sheet, without the leave of the Court. Any apprehension regarding non-cooperation in the investigation can be taken care of by putting the stringent conditions upon the appellants. Hence, the following order.

ORDER

In the event of arrest in Crime No.111/2022 for the offence punishable under Sections 294, 504, 506 read with Section 34 of the Indian Penal Code and Section 25 and 4 of the Arms Act and Section 3 (1)(r), 3(1)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of

Atrocities) Act, 1989, the appellants be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each with two solvent sureties each in like amount.

The appellants shall attend the concerned police station every Saturday between 12:00 noon to 03:00 p.m. till the filing of the charge-sheet and cooperate with the investigating agency. In case the appellants show any non-cooperation with the investigating agency, the prosecution shall have liberty to move the Court for cancellation of their bail.

The criminal appeal is allowed in the above terms and disposed of accordingly.

JUDGE

NSN