

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

CRIMINAL APPEAL NO. 336 OF 2022

Diwakar s/o Namdev Satpure

Vs.

The State of Maharashtra, Through P.S.O. P.S. Maregaon, Dist. Yavatmal 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. S. A. Mohta, Advocate for appellant.
Mr. S. M. Ghodeswar, APP for respondent no.1/State.
Ms. S. H. Bhatia, appointed Advocate for respondent no.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 18/07/2022

Heard Mr. Mohta, learned counsel for the appellant and Mr. Ghodeswar, learned APP for the respondent no.1/State and Ms. Bhatia, appointed learned counsel for respondent no.2.

2. The appeal challenges the order dated 21.5.2022 passed by the learned Special Judge whereby the application under Section 438 of the Cr. P.C. filed by the present appellant has been rejected.

3. The incident is alleged to have been taken place on 29.4.2022, when the present appellant is alleged to have assaulted one Kishor Chindaji Kharat, Gramsevak in the office of the Panchayat Samati, Maregaon during which, he is also alleged to have abused the said Kishor Kharat by using his caste name.

There is a counter complaint filed by the wife of the appellant against the complainant Kishor Kharat under Sections 354, 504 and 506 of the Indian Penal Code under FIR No.0131 of 2022 of the same date, however, later in point of time.

4. By an order dated 24.5.2022, interim protection has been granted to the appellant. I have gone through the case diary produced by the learned APP for respondent no.1/State and having perused the statements as recorded by the investigating agencies of various persons, in my considered opinion, a case for confirmation of the interim order is made out. The appeal is accordingly allowed.

5. The order dated 21.5.2022 passed by the learned Special Judge is hereby quashed and set aside and it is directed that in the event of arrest of the appellant, for the offence under Sections 353, 332, 323, 504 and 506 of the Indian Penal Code and also for the offence punishable under Section 3(1)(m), 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Police Station, Maregaon in Crime No.130 of 2022, he be released on bail upon his executing P.R. bond in the sum of Rs.50,000/- with two solvent sureties of like amount.

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6. The appellant shall co-operate with the prosecution and shall remain present in the concerned Police Station, as and when called.

7. The appellant shall not indulge into any act of a similar nature.

8. Any violation of the above conditions shall result in cancellation of the above order.

9. The appeal is allowed, in the above terms.

10. The appropriate fees of the learned appointed counsel be paid as per rules.

JUDGE

Sarkate