

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

CRIMINAL APPEAL NO. 395 OF 2020

Haridas Namdeo Dharpawar,
Aged about 55 years, Occ.:- Fisherman,
R/o.:- Dhangarpura, Nagzari Road,
Tq. Shegaon, District Buldhana

.... **APPELLANT.**

// VERSUS //

1. The State of Maharashtra,
through Police Station Officer,
Shegaon, Tq. Shegaon, Buldhana.

2. Sau. Ashwini Baburao More,
aged about 29 years, Occ. Nil,
R/o Dhangarpura, Nagzari Road,
Tq. Shegaon, District Buldhana

.... **RESPONDENTS.**

Shri S.V.Sirpurkar, Advocate for Appellant.
Mrs. S.S.Jachak, APP for the respondent/State.
Mrs. S.K.Paunikar, Advocate for respondent no.2.

CORAM : ANIL S. KILOR, J.
DATED : 31st MARCH, 2022.

ORAL JUDGMENT :

Heard learned counsel for the respective parties.

2. **ADMIT.**

3. On rejection of application for grant of regular bail vide

order dated 28th July, 2020 passed by the learned Special Judge, Khamgaon, Buldhana in Special Atrocity Case No. 51 of 2020. The same has been challenged in this appeal.

4. In this case the incident took place on 15th May, 2020 and next date the offence was registered. The appellant was in jail for a period of about four months and after filing of this appeal, he was released by way of ad-interim order dated 6th October 2020 since then he is on bail and there is no complaint about the breach of any condition. Chargesheet has already been filed in this case and therefore the custody of the appellant is not necessary for the purpose of investigation.

5. In the circumstances, I am of the opinion that appeal needs to be allowed by confirming order dated 6th October, 2020. Accordingly, I pass the following order.

ORDER

- i. Criminal appeal is allowed;
- ii. The order dated 28th July, 2020 passed by the learned Special Judge, Khamgaon, Buldhana in Special Atrocity Case No.51 of 2020 is hereby quashed and set aside.

iii. The order dated 6th October, 2020 granting ad-interim bail to the appellant is confirmed.

JUDGE

S.K.Nair

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