

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

Criminal Appeal No. 559 of 2021

Krushna Sanjay Ghadekar

Versus

The State of Maharashtra, through its Police Station Officer, Police Station
Anjangaon Surji, Tahsil Anjangaon Surji, Dis.Amravati and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Shaad Firoz Mirza, Advocate for the Appellant.

Shri M.J.Khan, APP for the respondent/State.

Shri N.M.Kolhe, for the respondent no.2.

CORAM : ANIL S. KILOR, J.

DATED : 18th FEBRUARY, 2022.

This appeal is arising out of the order below
Exh.1 dated 7th December, 2021 passed in Criminal Bail
Application no. 657 of 2021 passed by learned
Additional Sessions Judge-1, Achalpur, District
Amravati in Crime No. 706 of 2021 for the offences
punishable under Sections 324, 504, 506 of Indian
Penal Code and Section 3(1)(v) and 3(1)(r) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

2. The informant lodged a report stating therein that on 20th October, 2021 at about 11.30 am while he was returning to home from field at that time appellant met him and told that crops of Soyabin pick-up lying on the Dhura and abused the informant on caste and beat him by axe on his head, due to which blood was oozing. It is alleged that he was also threatened by the informant. On the basis of report, the crime was registered for the offences punishable under Sections 324, 504, 506 of Indian Penal Code and Sections 3(1)(v) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant.

3. The appellant thereafter moved a criminal bail application before the Sessions Judge, Achalpur for grant of anticipatory bail under Section 438 of Criminal Procedure Code which came to be rejected vide impugned order dated 7th December, 2021 which is under challenge in the present appeal.

4. I have heard Ms. Shwaad Mirza, learned counsel for the appellant, Shri Khan, learned Additional Public Prosecutor and Shri Kolhe, learned counsel for the respondent no.2.

5. Ms. Mirza, learned counsel for the appellant submits that the police have already seized the axe. It is further submitted that the applicant has been protected by granting ad-interim anticipatory bail.

6. She further states that as per one of the condition for grant of bail, the appellant has attended the police station and he has not misused the liberty during this period. She therefore, prays for confirmation of ad-interim protection granted to the appellant.

7. Shri Khan, learned Additional Public Prosecutor has opposed the present application. However, he is not disputing the seizure of axe used in the alleged offence. He has made available case diary for perusal.

8. Shri Kolhe, learned counsel for the respondent no.2 reiterated the submission made by the learned Additional Public Prosecutor and prays for rejection of the present appeal.

9. On perusal of the case diary and also after going through the allegations made in the First Information Report, it is clear that the appellant and the complainant having their agricultural field adjoining to

each other and dispute arose on the ground of obstruction of approach way to the agricultural field.

10. This Court vide order dated 18th December, 2021 granted ad-interim anticipatory bail to the appellant and he has attended the police station as directed by this Court. There is no complaint of misuse of liberty by the appellant. In the circumstances, I am of the opinion that interim protection dated 18th December, 2021 granted by this Court needs to be allowed. Accordingly, I pass the following order.

ORDER

- i. The appeal is allowed;
- ii. Order below Exh.1 dated 7th December, 2021 passed in Criminal Bail Application no. 657 of 2021 passed by learned Additional Sessions Judge-1, Achalpur, District Amravati in Crime No. 706 of 2021 is hereby quashed and set aside.
- iii. The order dated 18th December, 2021 granting ad-interim anticipatory bail to the appellant is hereby confirmed.
- iv. The appellant shall attend the concern police station as and when his presence is required.

[ANIL S. KILOR, J.]