

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

CRIMINAL APPEAL NO.736 OF 2022

1. Mangesh Anil Mali,
Age – about 20 years Occupation -
labour
2. Durgesh Anil Mali,
Age – about 22 years Occupation -
labour
3. Ganesh Anil Mali,
Age – about 23 years Occupation -
labour
4. Akash Gopal Mali,
Age – about 19 years Occupation –
labour, All R/o Kumbefal, Taluka –
Khamgaon, District – Buldhana.

.... appellants

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
Pimpalgaon Raja Police Station Taluka
– Khamgaon, District - Buldhana
2. Santosh Ninaji Ingle, Age about 42
years, Occupation – Agriculture, R/o
Kumbefal Taluka – Khamgaon, District
– Buldhana.

... Respondents

Shri A.D. Bhate, Advocate for appellants

Shri N.R. Rode, APP for the State

Ms Rani Nitnaware, Adv. for the respondent No.2 (appointed)

CORAM : ANIL S. KILOR, J.

DATED : 22.12.2022.

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.**

3. The appellants has approached this Court by filing present appeal under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Atrocities Act”, for quashing and setting aside the impugned order dated 01.10.2022 passed by the Special Judge, Khamgaon in Special Case No.77 of 2022 and for grant of bail in connection with Crime No.196 of 2022 registered with Police Station : Pimpalgaon Raja, District : Buldhana, for the offence punishable under Sections 324, 323, 326, 506 read with Sections 34 of the Indian Penal Code and Section 3(2) (va), 3(1)(r)(s) of the Atrocities Act.

4. In this crime, the allegations against the appellants are that, they abused the informant on his caste and assaulted him. One of the injuries on the person of the informant, is grievous one, however, after going through the charge sheet it appears that there is no eye witness to the incident.

5. Furthermore, the appellants are in jail since last five months. Thus, considering the fact that the charge sheet has been filed coupled with the period of incarceration of the appellants, I am of the opinion that as the further custody of the appellants is not necessary, they shall be released on bail.

6. The learned counsel for the respondent No.2 opposes the present appeal on the ground that the appellants and the informant are the resident of the same village and if the appellants are released on bail, there is every possibility that they may pressurise the informant.

7. Considering the apprehension expressed by the learned counsel for the respondent no.2, I am of the opinion that it can be addressed by imposing some stringent conditions. In the circumstances, though

the learned APP and the learned counsel for the victim, are opposing the present appeal, I pass the following order:

- i) The Appeal is **allowed**.
- ii) The impugned order dated 01.10.2022 passed by the Special Judge, Khamgaon, in Special Case No.77 of 2022, is hereby quashed and set aside.
- iii) It is directed that the appellants shall be released on bail in Crime No.196 of 2022 registered with Police Station : Pimpalgaon Raja, District : Buldhana, for the offence punishable under Sections 324, 323, 326, 506 read with Section 34 of the Indian Penal Code and Section 3(2)(va), 3(1)(r)(s) of the Atrocities Act, on their furnishing P.R. Bond of Rs.25,000/- each with a solvent surety in the like amount for each of the appellants.
- iv) The appellants shall attend the concerned Police Station on 1st day of every month in between 10.00 a.m. to 11.00 a.m., till culmination of trial.
- v) The appellants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.
- vi) The appellants shall not enter into the territorial jurisdiction of village Kumbefal, Taluka : Khamgaon, District : Buldhana, till culmination of trial.

vii) Fees of the learned counsel for the respondent No.2/Victim, be quantified as per the Rules.

The appeal is accordingly **disposed** of.

[ANIL S. KILOR, J.]