

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 CRIMINAL APPEAL NO.64 OF 2023

RAHUL S/O SAKHARAM DHOKANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellants : Mr. D M Shinde
APP for Respondents 1,2 : Mr. S R Yadav - Lonikar
Advocate for Respondent 3 : Mr. M.P Gandle 3

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CORAM : KISHORE C. SANT, J.
Dated: February 10, 2023

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PER COURT :-

1. Heard learned advocate Mr. Shinde for the appellant, learned APP Mr. Yadav-Lonikar for respondent nos.1 and 2, and Mr Gandle, learned advocate for respondent no.3.

2. This is an appeal seeking regular bail in connection with the offence registered with Akhada Balapur Police Station, District Hingoli bearing No.0012 of 2023 registered on 8.1.2023 for the offences punishable under sections 324, 341, 143, 147, 148, 149, 427, 504, 506 of the IPC and section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes, Prevention of Atrocities Act, 1989 (for short the Atrocities Act).

aaa/-

3. His application with similar prayer is rejected by the learned Additional Sessions Judge-3, Hingoli by order dated 16.1.2023 in Criminal Application No.12 of 2023.

4. The allegations in the FIR against this appellant is that in an incident that took place on 6.1.2023 he assaulted the informant with iron rod. The informant therefore got injured. As far as allegations of giving abuses in the name of caste are concerned, those are general in nature. There is no specific allegations against this appellant.

5. Learned advocate for the appellant submits that, in fact, in an incident dated 6.1.2023, he received injuries and therefore, he was admitted to the hospital and, therefore, he could not immediately lodge the report. However, after discharge, he lodged the report with the police bearing FIR no.13 of 2023 dated 9.1.2023 against the informant for the offence punishable u/s 324, 323, 504, r/w 34 of the IPC . Thus, only to counter complaint, he is now roped in the false allegations. Learned advocate invites attention of this Court to the injury certificate, wherein it is shown that the informant has received five injuries. However, all injuries are simple.

aaa/-

Learned advocate thus submits that, the entire FIR is concocted and after thought. In view of the same, he prays for regular bail. The appellant is in jail since 9.1.2023. He further submits that, by now it is more than a month and therefore he is to be released on bail. His further custody is not required.

6. Learned advocate for respondent no.3 vehemently opposed the application saying that there are clear allegations against all accused persons in the FIR. So far as present appellant is concerned, there is specific role attributed to him clearly showing that he is the person, who has caused injuries to the informant. He further submits that if the appellant is released on bail, there is danger to the life of the informant and therefore, he prays for imposing strict conditions on appellant.

7. Learned APP submits that, in view of the specific injuries sustained by the informant, the appeal be rejected.

8. Considering all the submissions and material, on record, this Court finds that it would be in the interest of justice to allow this appeal. Hence, following order is passed.

ORDER

aaa/-

- i. Criminal appeal is hereby allowed.
- ii. The order passed by the learned Additional Sessions Judge-3, Hingoli in Criminal Application no.12 of 2023 dated 16.1.2023 is hereby quashed and set aside.
- iii. The appellant - Rahul S/o Sakharam Dhokane be released on bail in connection with the offence registered with Akhada Balapur Police Station, District Hingoli bearing No.0012 registered on 8.1.2023 for the offences punishable under sections 324, 341, 143, 147, 148, 149, 427, 504, 506 of the IPC and section 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes, Prevention of Atrocities Act, 1989 on furnishing PR Bond and solvent surety in the sum of Rs.15,000/- (Rs. Fifteen Thousand) on following conditions :-
 - a] The appellant shall not enter the village Bolda Tq Kalamnuri, District Hingoli till filing of the charge-sheet except with prior permission of the I.O.
 - b] The appellant shall attend the concerned police station as and when called by the IO.
 - c] The appellant shall not tamper with the prosecution evidence in any manner and shall not pressurize the witnesses.

d] Criminal appeal stands disposed off.

(KISHORE C. SANT, J.)

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