

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

CRIMINAL APPEAL NO. 66 OF 2023

1. Vijaysingh Chatur Singh Rajput
2. Harshal Vijaysingh Rajput
3. Dipak Raman Jadhav
4. Kishor Raman Jadhav
5. Karan Chanrasingh Rajput
6. Nilima Dipak Jadhav .. Appellants

Versus

The State of Maharashtra and another .. Respondents

Mr. Ruchir S. Wani, Advocate for the Appellants.

Mr. P. N. Kutti, APP for Respondent No. 1.

Mr. P. S. Paranjape, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 17th FEBRUARY, 2023.

P. C. :-

. Heard learned advocates for the parties. Taken up for final disposal by consent of the parties.

2. This is an appeal filed by the accused persons seeking bail in the event of their arrest in connection with FIR No. 440/2022 registered with Taloda Police Station, Dist. Nandurbar for the offences punishable

under Sections 3 (1) (r) and 3 (1) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short “Atrocities Act”) and Sections 143, 147, 323, 504 and 506 of the Indian Penal Code.

3. The respondent No. 2 lodged the FIR on 30.11.2022 in the Police Station, Taloda against 11 persons. It is alleged that the informant/respondent No. 2 was present in Gramsabha. In the Gramsabha she made suggestion that instead of Ratilal Bhilav who happens to be father in law of the Sarpanch some other person be appointed to the post of Chairman of committee under PESA Act. On that, the accused No. 1 Vijaysingh abused the informant in the name of caste and thereafter pushed her. After she fell down the remaining accused persons assaulted her. Therefore, the information was lodged.

4. It is submitted by the learned advocate for the appellants that, as a matter of fact, there was no intention to cause insult or humiliation to the informant in the name of caste. Out of 11 persons, six persons in fact, belong to Scheduled Tribe and therefore no offence is made out against them and on that ground their application for bail in the event of their arrest came to be allowed. However, the application of these appellants came to be rejected by order dated 10.01.2023 by the learned Additional Sessions Judge, Shahada. It is further submitted

that, in fact, except accused No. 1 – Vijaysingh there is no allegation of abusing the informant in the name of caste and thus the provisions of Sections 3 (1) (r) and 3 (1) (s) of the Atrocities Act are not attracting and he prays for bail.

5. Learned advocate for respondent No. 2 vehemently opposes the appeal submitting that all the accused with common intention assaulted the informant. Though abuses are given to her only by accused No. 1, however, he was accompanied by other accused persons. Though they have not abused in the name of caste, but from the conduct, it is clear that there was an intention to cause insult to the informant and therefore, they even assaulted the informant. At this stage, intention is clearly seen from the conduct of the remaining appellants and prays for rejection of bail.

6. Learned A.P.P. submits that, reading the FIR as it is, it is clear that accused-Vijaysingh has clearly abused the informant in the name of caste. Other accused also followed him. Though no specific appearance has alleged against them, however, they also have the similar intention as that of accused-Vijaysingh and therefore they do not deserve the bail.

7. Considering the submissions, this Court finds that, there are no

specific allegations against appellant Nos. 2 to 6 that they have abused the informant in the name of caste. So far as appellant No. 1 is concerned, learned advocate for the appellant has already deleted his name and therefore this Court has considered the case only of appellant Nos. 2 to 6.

8. In view of these observations, this Court finds that a case is made out to grant bail in the event of arrest only to appellant Nos. 2 to 6. Hence, the following order.

ORDER

(I) Appeal is allowed only to the extent of appellant Nos. 2 to 6.

(II) The appellants shall be released on bail on furnishing P.R.

bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) each and one solvent surety in the like amount in the event of their arrest in connection with FIR No. 440/2022 dated 30.11.2022 for the offences punishable under Sections Sections 3 (1) (r) and 3 (1) (s) of the Atrocities Act and Sections 143, 147, 323, 504 and 506 of the Indian Penal Code on a condition that they shall attend the Police Station at least twice in a week i.e. on every Wednesday and Sunday as per the time convenient to the I.O. and co-operate with the Police.

(III) The appellants shall not tamper with the evidence or contact the witnesses.

9. With this, the appeal is disposed off.

(KISHORE C. SANT, J.)

PS.B.