

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

CRIMINAL APPEAL NO. 161 OF 2023

**BALU RAMKISAN DHAKANE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

Mr.A.D. Aghav, Advocate for the appellant.
Mrs.D.S. Jape, APP for the respondent/State.
Mr.S.E. Shekade, Advocate for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 18.04.2023**

PC :-

01. Heard learned Advocates for the parties. This appeal is filed by the accused, who is not named in the FIR and who is referred to as one person in the FIR. The role alleged against the appellant is that he abused the informant in the name of caste and he also assaulted the informant. The learned Advocate for the appellant submits that he is not specifically named in the FIR. He is referred only as “one person” in the FIR and prays for bail in the event of arrest.

02. The learned APP submits that in the FIR though it is stated to be two persons, but there is specific reference as one of them was girl i.e. appellant in connected Criminal Appeal No.160 of 2023 and the other person

was present appellant. There is no mention of any other third person in the FIR. In the investigation it transpired that it is this appellant, who had abused the informant in the name of caste and has also assaulted the informant.

03. The learned Advocate for respondent No.2 also opposes the appeal. He submits that there is reference to only two persons, one is about a girl that was sitting on the motor-cycle and one who abused in the name of caste also assaulted the informant. When the incident took place, there was no reason for the informant to take name of the accused persons. During the investigation and from the CCTV footage, it is clearly seen that it is the appellant, who assaulted and abused the informant in the name of caste and prays for rejection of the appeal.

04. On going through the papers of investigation and it is seen that there are statements of other independent persons recorded by police. There is also statement recorded under section 164 of the Cr.P.C. of one witness, who has clearly identified the appellant from CCTV footage as the same person, who abused the informant in the name of caste. From the police papers, it is also seen that the injuries of the informant are shown to be grievous. There

are four injuries. One of them is grievous. Even witness Sudhakar also received injuries, though his injuries are shown to be simple. It shows that the appellant had intention not only to abuse the informant in the name of caste but has also assaulted the informant. If during the investigation his name is transpired and even in CCTV footage this appellant is seen, this Court find that certainly this is sufficient material to show that the appellant is involved in the offence and a case under the Atrocities Act is prima facie made out against him. This Court is, therefore, not inclined to allow the appeal.

05. The appeal stands dismissed.

[KISHORE C. SANT, J.]