

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL APPEAL NO.382 OF 2023

RAJENDRA NATU @ NETAJI CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Ajay Shinde
APP for Respondent – State : Mr. V.S. Badakh
Advocate for Respondent No.3 (appointed) : Mr. Jitendra S. Jain

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CORAM : R. M. JOSHI, J.
DATE : JULY 19, 2023

PER COURT :

. Appellant is apprehending arrest in connection with Crime No. 74 of 2023 registered at Lohara Police Station, Dist. Osmanabad for the offences punishable under Section 323, 504, 506 of the Indian Penal Code (I.P.C.) and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (in short ' SC & ST Act').

2. Learned counsel for appellant states that according to informant an incident occurred on 17.03.2023 wherein present appellant has abused him over his caste and assaulted him with fists

and kick blows. Informant has specifically stated that some villagers who are named in the report intervened in the said quarrel.

3. Learned counsel for appellant states that except alleged statement of wife of informant, there is no other statement which will support occurrence of incident as narrated in First Information Report. This is a case of false implication of present appellant.

4. Learned APP and learned counsel for informant state that allegations against appellant about causing assault on informant is duly supported by Injury Certificate.

5. Perusal of First Information Report shows that according to informant at the time of occurrence of the said incident, Pappu Jadhav, Bali Survase and Sanjay Kamble and other persons came there and they intervened in the said quarrel.

6. Perusal of the investigation papers however show that except wife of informant, no other witness has supported the said contention. Thus, there is reason to believe that this could be a case

of false implication of appellant and that the offences under the SC & ST Act are alleged in order to give colour to the incident.

7. Perusal of Injury Certificate shows that injuries caused to informant are simple in nature and the offences under Sections 323, 504, 506 of the I.P.C. are bailable in nature. In view of this, appeal deserves to be allowed. Hence, following order:

ORDER

- (i) In the event of arrest of appellant in connection with Crime No. 74 of 2023 registered at Lohara Police Station, Dist. Osmanabad for the offences punishable under Section 323, 504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station as and when called.

- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate with the investigating agency for further investigation.

8. Fees of learned Counsel Mr. Jitendra S. Jain, who is appointed to represent cause of respondent No.3, is quantified at Rs.6,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

[R. M. JOSHI]
JUDGE

GGP