

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 448 OF 2023

1. Shantilal s/o Ajinath Munde
 2. Arjun s/o Ajinath Munde
 3. Tanaji s/o Ajinath Munde
- Appellants

Versus

The State of Maharashtra & another

Respondents

Mr. H. D. Deshmukh, Advocate for the appellants.

Mrs. G. L. Deshpande, APP for the State.

Mr. S. A. Deshmukh, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 16th JUNE, 2023.

PER COURT :

1. This appeal is filed by the appellants for enlargement on bail in connection with Crime No. 0199/2022 registered with Bhoom Police Station, Dist. Osmanabad, for the offences punishable under Sections 306, 143, 147, 149, 323, 504, 506 of the Indian Penal Code and Sections 3(2), 3(1)(2), 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel for the appellants, learned APP and learned counsel for the informant.

3. There is no dispute about the fact that investigation into the crime is complete. Charge-sheet is filed. There is also no dispute about the fact that co-accused Bibhishan and Suman are already enlarged on bail.

4. Perusal of First Information Report shows that there is allegation against present applicants that they had abused and threatened the deceased which was said to be one of the reason for which she committed suicide. However, at the same time, there is specific allegation against co-accused Bibhishan that infact he assaulted the deceased from time to time, which led to incident. Thus, here is the case where the person who has actually assaulted the deceased is enlarged on bail and the others who are allegedly threatened her are refused regular bail. After completion of investigation and filing of charge-sheet, this Court finds no reason to keep the appellants in jail. In any case, they cannot be detained in the jail by way of pre-trial punishment.

5. Learned counsel for the informant submits that the appellants be prevented from entering village Hiwarda, Tq. Bhoom

and to support said submission, he relied upon the report lodged on 7th June, 2023 to state that the witnesses would be pressurised by the appellants if they are released on bail. Learned counsel for the appellants states that pursuant to the interim protection granted by this Court, the appellants were on anticipatory bail till 10th May, 2023. There is nothing on record to indicate that when these appellants were free, they tried to pressurise any witness. This Court, therefore, finds no reason to rely upon the report lodged after they were taken in custody. Hence, the following order :-

ORDER

- (i) Appeal is allowed.
- (ii) Appellants be released on bail in connection with Crime No. 0199/2022 registered with Bhoom Police Station, Dist. Osmanabad, for the offences punishable under Sections 306, 143, 147, 149, 323, 504, 506 of the Indian Penal Code and Sections 3(2), 3(1)(2), 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one solvent surety each in the like amount.
- (iii) Bail before Trial Court.

(iv) Appellants shall not interfere into evidence of prosecution in whatsoever manner and shall not contact the witnesses.

(R. M. JOSHI)
Judge

dyb