

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

CRIMINAL APPEAL NO.545 OF 2020

Raju S/o Maroti Nagarwad

...APPELLANT

VERSUS

- 1) The State of Maharashtra,
- 2) Gangadhar Venkat Dinde,
- 3) Khandu @ Bandu Jalba Dinde,
- 4) Sadashiv @ Pappu Khandu Dinde,
- 5) Balaji Venkatrao Dinde,
- 6) Mashna Gangadhar Dinde,
- 7) Balaji Khandu Dinde,
- 8) Sunil Balaji Dinde

...RESPONDENTS

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Mr. Angad L. Kanade Advocate for Appellant.
Mr. S.J. Salgare, A.P.P. for Respondent No.1.
Mr. P.P. Uttarwar Advocate for Respondent Nos.2 to 8.

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**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 4th JULY, 2023

ORDER :

1. Present Appeal has been filed under Section 14-A(2) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short "the Atrocities Act") to challenge the order of grant of bail, under Section 439 of the Code of Criminal Procedure, to respondent Nos.2 to 8 by the learned Special Judge under the Atrocities Act and Additional Sessions Judge-2 Kandhar, Link Court, Mukhed on 14th September 2020.

2. Heard learned Advocate Mr. Kanade appearing for the appellant, learned APP Mr. Salgare, appearing for respondent No.1 – State and learned Advocate Mr. Uttarwar appearing for respondent Nos.2 to 8.

3. At the outset, it is to be noted that the main ground on which challenge is made that the present appellant (original informant) had given complaint application to Deputy Superintendent of Police, Degloor stating that he is receiving threats from the relatives of respondent Nos.2 to 8 for taking back the First Information Report which he had lodged against respondent Nos. 2 to 8 i.e. Crime No.196 of 2020 for the offence punishable under Sections 143, 147, 148, 149, 323, 336, 326, 294, 354(b), 506 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Atrocities Act.

4. We have perused the copy of the said complaint application that has been given. It does not speak about the date on which the offence or act was committed. It does not bear the date but acknowledgement thereon appears to have been given by the office of the Deputy Superintendent of Police, Degloor on 14th September 2020. It cannot be merely the co-incident. The two possibilities are there, either complaint application was given earlier to the time of pronouncement of bail order or it was in anticipation. In any manner, as observed earlier, the said complaint application does not say the date on which the offence was committed. Further, in the present appeal memo it has not been stated as to what action informant – appellant had taken when the Deputy Superintendent of Police had not taken cognizance of the said complaint application. Cancellation of bail is not the only remedy. It appears that the concerned Judge had issued notice to the present appellant and he had filed separate say taking objection. Appellant had the opportunity before the learned trial Judge to point out that such incident has taken place, but the contents of the same does not appear to be so and therefore, we do not find any cogent reason to cancel the bail that was granted.

5. There was no illegality or perversity on the part of the learned trial Judge to grant bail under Section 439 of the Code of Criminal Procedure, to respondent Nos.2 to 8 and the Appeal deserves to be dismissed.

6. The Appeal stands dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JULE23