

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.525 OF 2023

DIGAMBAR BABURAO LUNGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. A. D. Hande
APP for Respondent No. 1: Mrs. R. P. Gour
Advocate for Respondent No. 2 : Mr. R. M. Gaikwad
(appointed)

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CORAM : R.M. JOSHI, J

DATE : JULY 06, 2023

PER COURT :

1. Appellant is seeking regular bail in connection with Crime No. 154 of 2023 registered with Kandhar Police Station, Dist. Nanded for the offences punishable under Sections 323, 504, 506 of IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned Counsel for the Appellant states that Appellant was arrested on 31.05.2023 and since then he is in jail. According to him, the investigation is practically over and that recording of statement of witnesses is done. On these amongst other contention, he seeks bail.

3. Learned APP and learned Counsel for the informant opposed the application by referring to the serious nature of crime. Learned Counsel for the informant submitted that having regard to the nature of incident in question there is every likelihood of Applicant pressurizing witnesses since Appellant and Respondent No. 2 are resident of same village.

4. Barring the allegation that the Appellant has abused the informant over his caste, the other offences charged against him is punishable under Sections 326, 504 and 506 of IPC. Perusal of the investigation papers show that practically investigation into the crime is over. Statement of witnesses are recorded. Nothing is to be recovered at the instance of Appellant. Appellant has no criminal antecedents. Hence, he cannot be kept behind the bars by way of punishment.

5. Hence, the order:

O R D E R

- (i) Appeal is allowed.
- (ii) Appellant be released on bail in connection with Crime No. 154 of 2023 registered with Kandhar Police Station, Dist. Nanded for the offences punishable under Sections 323, 504,

506 of IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on executing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.

- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not enter the village Bijewadi till filing of the charge-sheet.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.
- (vii) Fees of the appointed Counsel is quantified @ Rs. 6,000/- (Rupees Six Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani