

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

957 CRIMINAL APPEAL NO.790 OF 2023

DNYANESHWAR LAXMAN POTGUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Nilkanth P. Bangar
APP for Respondent / State : Mrs. G.L. Deshpande
Advocate for Respondent No.2 (appointed) : Mrs. Sayali Tekale –
Dadpe

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**CORAM : R. M. JOSHI, J.
DATE : OCTOBER 10, 2023**

PER COURT :

. The appellant is aggrieved by the order of refusal of regular bail in connection with Crime No. 158 of 2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences under Sections 452, 504, 506 r/w. Sec. 34 of the Indian Penal Code, Section 3 (1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4/25 of the Arms Act.

2. The informant reported the incident occurred on 07.03.2023 at around 03:30 p.m. wherein it is alleged that the present appellant along with co-accused came to her house and

threatened her to withdraw complaint lodged by her brother on 30.12.2022 against Gajanan and others. It is also alleged that the appellant had been her home with dagger in his hand. The appellant and co-accused threatened her and her family members and left the house.

3. Learned counsel for the appellant submits that the learned Additional Sessions Judge has wrongly rejected the application for bail by observing that there is order of this court wherein liberty is granted to the appellant to apply for regular bail, if the trial is not concluded within one year. By referring to the said order it is submitted that the said order is passed in Crime No. 778/2022 registered with Nanded Rural Police Station and has nothing to do with the present case. According to him, after filing of the charge-sheet custody of the appellant for further period is not required.

4. Learned APP and learned counsel for the informant opposed the submissions made by learned counsel for the appellant and contended that the appellant along with co-accused came to the house of the informant with weapon and having regard to the serious

nature of offence, it is not fit case for grant of bail to the appellant. It is further submitted that there are criminal antecedents against the present appellant. They also expressed apprehension about pressurizing to informant and the witnesses at the hands of the appellant, if he is released on bail.

5. Perusal of the order passed by the learned Additional Sessions Judge in refusing application for bail indicates that the learned Additional Sessions Judge has misread the order passed by the Division Bench of this Court dated 22.06.2023 in different crime and applied the same to the present case. Admittedly, charge-sheet has been filed after completion of investigation. Having regard to the nature of offence, further custody of the appellant is not necessary. Insofar as the apprehension expressed by learned APP and learned counsel for the informant about pressurizing to informant and witnesses at the hands of the appellant is concerned, it will be taken care by imposing appropriate condition on the appellant.

6. In view of above, the following order is passed.

ORDER

(i) Appeal is allowed.

(ii) Appellant be released on bail on furnishing PR. Bond of Rs.15,000/- (Rs. Fifteen Thousand Only) with one surety in the like amount.

(iii) Appellant is directed to attend the concerned police station once in a month for a period of six months from today.

(iv) Bail before the Trial Court.

7. Fees of learned Counsel Mrs. Sayali Tekale - Dadpe, who is appointed to represent cause of respondent No.2, is quantified at Rs.6,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

[R. M. JOSHI]
JUDGE

GGP