

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 797 OF 2023
[REGULAR BAIL]

1. Rauf s/o Babulal Inamdar,
Age : 43 years, Occu. Business
2. Shaharukh s/o Rauf Inamdar,
Age : 24 years, Occu. Labour
3. Faeem s/o Jameer Shaikh,
Age : 26 years, Occu. Labour

All R/o. Anandpark, Bolhegaon,
Tal. & Dist. Ahmednagar.

... Appellants
[Orig. Accused]

Versus

1. The State of Maharashtra
2. Swapnil s/o Tukaram Sasane,
Age : 28 years, Occu. Business,
R/o. Wadgaon Gupta,
At present Block No. K-4, Anandpark,
Bolhegaon, Tal. & Dist. Ahmednagar. ... **Respondents**

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Shri. Vijay S. Wakale – Advocate for the appellants
Shri. V. S. Badakh – APP for respondent/State
Shri. N. N. Bhagwat – Adv. (appointed) for respondent no. 2

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CORAM : R. M. JOSHI, J.
DATE : 03RD OCTOBER, 2023

PER COURT :

1. This appeal is filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,

1989 [in short "Atrocity Act"], seeking regular bail as the applications for regular bail filed by the appellants in connection with Crime No. 779 of 2023 registered at Tofkhana Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 323, 143, 147, 148, 149, 504, 506, 427, 201 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i)(ii) of the Atrocity Act have been rejected by the learned Additional Sessions Judge, Ahmednagar.

2. First Information Report states that on 27.05.2023 at about 09:30 p.m., incident in question occurred on account of demanding contribution of share for the repair of the common borewell motor, which was denied by the informant. Thereupon, a scuffle broke out between the appellants and the informant and in retaliation, appellants and co-accused hurled abuses over the caste of informant and assaulted him with iron rod and wooden log. In the said fight, the informant sustained injuries and was required to be hospitalized.

3. Learned counsel for the appellants submits that the investigation into the crime has come to a close with filing of the

charge-sheet and as such, the further custody of the appellants is not necessary. He further claims that the appellants have no criminal antecedents and the incident in question has taken place on frivolous issue.

4. Learned counsel for the informant and the learned APP opposed the appeal contending that the incident is serious in nature wherein the informant was assaulted with iron rod and wooden sticks. Counsel for the informant also apprehends exertion of pressure on the witnesses at the hands of the appellants, if they are released on bail.

5. There is no dispute about the fact that the incident in question has occurred on 27.05.2023. From a perusal of the FIR, it is clear that it was not a premeditated act on the part of the appellants and the said incident had taken place on a trifle issue of contributing share for the repair of the common borewell motor. Admittedly, the informant is already discharged from the hospital. The appellants have no criminal antecedents. There is no reason or justification to keep them behind the bars once the charge-sheet has been filed. The apprehension of the informant can be taken

care of by directing the appellants to attend the concerned police station once in a month for a period of three months from today.

Hence, the following order :-

ORDER

- (i) The Appeal is allowed.
- (ii) The appellants, namely, Rauf s/o Babulal Inamdar, Shaharukh s/o Rauf Inamdar and Faeem s/o Jameer Shaikh be released on bail in connection with Crime No. 779 of 2023 registered at Tofkhana Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 323, 143, 147, 148, 149, 504, 506, 427, 201 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on their furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand) each, with one surety in the like amount each.
- (iii) They shall attend the concerned police station once in a month for a period of three months from today.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.

- (vi) They are further directed to cooperate with the investigating agency for further investigation.

6. Fees of the learned counsel appointed for respondent no. 2 is quantified at Rs. 6,000/- (Rupees Six Thousand), which shall be paid by the High Court Legal Aid Services, Sub-Committee, Aurangabad.

7. The appeal is accordingly disposed of.

[R. M. JOSHI]
JUDGE

SG Punde