

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

CRIMINAL APPEAL NO. 803 OF 2023

**NITIN @ BAJRANG S/O LAKHAN @ LAXMAN GUNJAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Amol S. Gandhi, Advocate for the appellant
Mr. S. P. Sonpawale, APP for the respondent/State
Mr. M. P. Gandle, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 25th OCTOBER, 2023

P.C. :-

1. Being aggrieved by the rejection of regular bail in connection with Crime No. 190 of 2023 registered with Peth Beed Police Station, Dist. Beed for the offences punishable under Sections 143, 146, 147, 148, 307, 452, 427 of Indian Penal Code (for short 'IPC') and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'Atrocities Act').

2. First informant Ravindra Bahot reported incident occurred on 06th August, 2023 when present appellant along with others came with weapons in their hands and threatened to him to withdraw court case registered by him. When he refused to do so he was abused by the accused. They assaulted informant and witness who sustained injuries. It is further alleged that the assailants caused damage to the motorcycle.

3. Learned counsel for the appellant submits that the appellant was arrested and he is behind bar. It is his contention that the offence punishable under Section 307 of IPC does not get attracted to the present case. It is also submitted that after filing of the charge-sheet and as the injured is already discharged from the hospital, there is no propriety in keeping the appellant behind bar. According to him after filing of charge-sheet appellant deserves bail.

4. Learned counsel for the informant sought time to place on record document indicating nature injuries caused to the informant and family members. The record indicates that charge-sheet has been filed and the learned counsel for the informant also had appeared in this appeal on 20th September, 2023. In spite of granting opportunities no steps were taken to place any additional document on record. Respondent No.2 cannot be permitted to adopt such tactics in order to delay the hearing of the appeal involving issue of regular bail.

5. Learned APP and learned counsel for the informant opposed the appeal with the contention that there are specific allegations against the appellant of committing offence punishable under Section 307 of IPC as well as under the provisions of Atrocities Act. It is their submission that if the appellant is released on bail, he will pressurize the witnesses and cause interference in the evidence of prosecution.

6. There is no dispute about the fact that after investigation is over, charge-sheet has been filed now. Perusal of the charge-sheet does not show causing of any greivous injury to the informant or witnesses. Admittedly, they are not under hospitalization. The injury certificate placed on record indicates simple injuries being caused to the informant. After filing of the charge-sheet there is absolutely no propriety in keeping appellant behind bar. In view of this, appeal stands allowed. Hence the following order.

ORDER

- (i) Appeal is allowed.
- (ii) The appellant be released on bail in connection with Crime No.190 of 2023 registered with Peth Beed Police Station, Dist. Beed for the offences punishable under Sections 143, 146, 147, 148, 307, 452, 427 of Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.
- (iii) He shall attend the concerned police station once in a month for period of 6 months from today.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) Bail before the Trial Court.

(R. M. JOSHI, J.)

ssp