

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 838 OF 2023

Chandu @ Chandrakant Bhausahab Ghawate,
Age : 32 years, Occu. Labour,
R/o. Shelkewadi, Rajapur,
Tal. Shrigonda, Dist. Ahmednagar. **... Appellant**

Versus

1. The State of Maharashtra
2. Madhukar s/o Sakharam Jagtap
 Age : 33 years, Occu. Business,
 R/o. Nilobanala, Rajapur,
 Tal. Shrigonda, Dist. Ahmednagar. **... Respondents**

...

Shri. D. S. Ingole h/f Shri. Shaikh Sohail Subhedar – Advocate for appellant
Shri. V. S. Badakh – APP for respondent/State
Shri. Yogesh H. Lagad – Advocate for respondent no. 2

....

CORAM : R. M. JOSHI, J.

DATE : 03RD OCTOBER, 2023

PER COURT :

1. By this appeal filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [in short "Atrocities Act"], the appellant seeks regular bail in connection with Crime No. 0307 of 2023 registered at Belwandi Police Station, Dist. Ahmednagar, for the offence

punishable under Sections 504, 506 of the Indian Penal Code and Sections 3(2)(va), 3(1)(r)(s) of the Atrocities Act.

2. The First Information Report states that the incident in question occurred on 24.07.2023 at around 05:00 p.m. when the appellant visited shop of the informant and threatened him to withdraw the complaint made against him by his brother under the provisions of Atrocities Act. On the basis of the said information, appellant came to be arrested.

3. Learned counsel for the appellant submits that the investigation into the crime is already over and there is no reason or justification to keep the appellant behind the bars.

4. Learned counsel for respondent no. 2/informant and the APP opposed the application submitting that there are as many as seven offences registered against the present appellant and that the present offence committed while he was enlarged on bail in connection with other crime. It is also submitted that the appellant is likely to pressurize the witnesses.

5. Learned counsel for the appellant makes a statement, on instructions, that the appellant will stay away from taluka Shrigonda for a period of three (03) months from today.

6. The offence alleged against the present appellant is under the Indian Penal Code and bailable offence and only for the reason that the offences under the Atrocities Act are made applicable he is not enlarged on bail. The counsel for the informant has made a statement that the charge-sheet has been filed in this crime, which indicates completion of investigation. In such circumstances, there is no reason or justification to keep the appellant jailed. The apprehension of the informant of pressurizing the witnesses by the appellant is redressed by a statement made by learned counsel that the appellant would stay away from taluka Shrigonda for a period of three (03) months from today.

7. Considering the submissions and the statement made by learned advocate for the appellant, the following order is passed:

ORDER

- (i) The Appeal is allowed.

- (ii) The appellant, namely, Chandu @ Chandrakant Bhausahab Ghawate be released on bail in connection with Crime No. 0307 of 2023 registered at Belwandi Police Station, Dist. Ahmednagar, for the offence punishable under Sections 504, 506 of the Indian Penal Code and Sections 3(2)(va), 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on his furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand), with one surety in the like amount.
- (iii) He shall attend the concerned police station as and when called with written intimation.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE

SG Punde