

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 849 OF 2023

1. Shankar Deoram Charan
2. Mohan Rama Charan
3. Nanaku Amra Charan
4. Rajesh @ Raju Dhana Charan
5. Raju Mohan Charan
6. Vipul Nanaku Charan
7. Dadu Puna Charan

Appellants

Versus

The State of Maharashtra & another

Respondents

Mr. N. L. Chaudhari, Advocate for the appellants.

Mrs. G. L. Deshpande, APP for the State.

Mr. Chaitanya Deshpande, Advocate for respondent No. 2 (through VC)

CORAM : R. M. JOSHI, J.

DATE : 23rd OCTOBER, 2023.

PER COURT :

1. Appellants are seeking regular bail in connection with Crime No. 0189/2023 registered at Shirpur Taluka Police Station, Dist. Dhule, for the offences punishable under Sections 307, 143, 147, 149 of Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3, 3(2)(v) of the

Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Section 37(1)(3)/135 of Maharashtra Police Act.

2. Record indicates that three different reports came to be lodged in respect of the incident occurred on 10th August, 2023. One of the reports is lodged by the police personnel whereas two other reports are lodged by both sides against each other.

3. Learned counsel for appellants submits that there are no specific allegations of committing any overt act in the said incident against the present appellants. It is also argued that informant though claims to have sustained injuries, he is discharged from the hospital. Thus, according to him, further custody of the appellants is not necessary.

4. Learned counsel for informant as well as learned APP opposed the appeal by contending that the informant and two other persons sustained injuries in the said incident. According to them, it is not a fit case for releasing appellants on bail.

5. Perusal of reports shows that some incident has certainly occurred on 10th August, 2023. A mob of about 700 to 800 people had gathered at the spot. There was pelting of stones against each other. Thus, possibility of causing injury in the said pelting of stones cannot be ruled out. There is no specific allegation against the present appellants to commit any overt act in the said incident. Appellants have no criminal antecedents. The injured are already discharged from hospital. Thus, there is no reason or justification to keep the appellants behind bar. Having regard to the nature of offence and involvement of number of persons, appellants are directed to attend the concerned police station once in a fortnight till filing of the charge-sheet. Hence, the following order :-

ORDER

(i) Appeal is allowed.

(ii) Appellants be released on bail in connection with Crime No. 0189/2023 registered at Shirpur Taluka Police Station, Dist. Dhule, for the offences punishable under Sections 307, 143, 147, 149 of Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3, 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Section 37(1)(3)/135 of Maharashtra Police Act, on furnishing PB and SB of

Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety each in the like amount.

(iii) They shall attend the concerned police station once in a fortnight till filing of the charge-sheet.

(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 the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb