

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.926 OF 2023

SURESH DATTARAO THORAT
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. S. S. Rathi
APP for Respondent No. 1: Mrs. G. L. Deshpande
Advocate for Respondent No. 2 : Mr. N. N. Bhagwat
(appointed)

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 20, 2023

PER COURT :

1. Notice is served on Respondent No. 2. None appeared for Respondent No. 2.

2. Mr. N. N. Bhagwat, learned Counsel, is appointed to represent Respondent No. 2.

3. This appeal is filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'Atrocities Act') challenging order dated 30.09.2023 passed by learned Special Judge rejecting application for regular bail in connection with Crime No. 189 of 2023 registered with Basamba Police Station, Dist. Hingoli for the offences punishable under Sections 326, 324, 323, 504, 506, 34

of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Atrocities Act and Section 4/25 of the Arms Act.

4. Informant reported the incident occurred on 08.07.2023 in which present Appellant and co-accused had assaulted informant and witnesses with sword, steel pipe, etc. In the said incident they sustained grievous injuries.

5. Learned Counsel for the Appellant states that charge-sheet has been filed and hence, further custody of the Appellant is not necessary. It is further contended that the co-accused are already enlarged on bail.

6. Learned Counsel for the informant opposed the application by contending that offence is under the provisions of Atrocities Act and that grievous injuries were caused to the informant and witnesses.

7. Learned APP opposed the Appeal by contending that three persons were injured in the said assault and that weapon of assault is recovered at the instance of Appellant which indicates his involvement in the crime.

Appeal is also opposed on the ground that there are criminal antecedents of the Appellant.

8. There is no dispute about the fact that now the charge-sheet has been filed. The only reason for rejection of the bail could be antecedents against the Appellant. There is one criminal case pending against him but it pertains to year 2013. This Court, therefore, is not inclined to accept the contention of learned APP that this could become a reason for rejection of bail.

9. In such circumstances, this is a fit case for grant of bail. Hence, the order:

O R D E R

- (i) The Appellant – Suresh Dattarao Thorat be released on bail in connection with Crime No. 189 of 2023 registered with Basamba Police Station, Dist. Hingoli for the offences punishable under Sections 326, 324, 323, 504, 506, 34 of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Atrocities Act and Section 4/25 of the Arms Act on furnishing PB and SB of Rs. 25,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station once in a month for period of six months.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) Bail before trial Court.

10. Fess of Mr. N. N. Bhagwat, learned Counsel, is quantified @ Rs. 6,000/- (Rupees Six Thousand) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani