

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.1045 OF 2023

DATTATREY SAYANNA RAJARWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. N. P. Bangar
APP for Respondents: Mrs. G. L. Deshpande
Advocate for Respondent No. 2 : Ms. Sayali Tekale-Dadpe
(appointed)

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 09, 2023

PER COURT :

1. Respondent No. 2 is present. She seeks Legal Aid. Hence, Ms. Sayali Tekale-Dadpe, learned Counsel, is appointed to represent Respondent No. 2.

2. The appellant is aggrieved by the order of refusal of regular bail in connection with Crime No. 158 of 2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences under Sections 452, 504, 506 r/w. Sec. 34 of the Indian Penal Code, Section 3 (1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4/25 of the Arms Act.

3. The informant reported the incident occurred

on 07.03.2023 at around 03:30 p.m. wherein it is alleged that the present appellant along with co-accused came to her house and threatened her to withdraw complaint lodged by her brother on 30.12.2022 against Gajanan and others. It is also alleged that the appellant had been her home with dagger in his hand. The appellant and co-accused threatened her and her family members and left the house.

4. Learned Counsel for the Appellant submits that the co-accused are already enlarged on regular bail by this Court by passing order in Criminal Appeal No. 790 of 2023. It is his submission that after a filing of the charge-sheet his further custody is not required.

5. Learned Counsel for the informant and learned APP opposed the Appeal by submitting that offence is serious in nature and is committed against the member of SC community. It is also argued that there is one crime registered against present Appellant.

6. Undeniably, the co-accused is enlarged on regular bail. Investigation into the crime is over with filing of the charge-sheet. Having regard to the nature

of offence, there is no propriety in keeping Appellant in further custody. Presence of the Appellant can be assured by imposing appropriate condition at the time of trial.

7. Having regard to these facts, Appeal stands allowed. Hence, order:

O R D E R

(i) Appellant be released on bail in connection with Crime No. 158 of 2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences under Sections 452, 504, 506 r/w. Sec. 34 of the Indian Penal Code, Section 3 (1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4/25 of the Arms Act on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when called.

(iv) Bail before trial Court.

8. Fees of Ms. Sayali Tekale-Dadpe, learned appointed Counsel for Respondent No. 2, is quantified @ Rs. 6,000/- (Rupees Six Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R. M. JOSHI, J.)