

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 1192 OF 2019

Sambhaji s/o Uttamrao Andil
age 40 years, occ. Agril.,
r/o Pahadi Pargaon, Tq. Dharur
Dist. Beed

Appellant

Versus

1. The State of Maharashtra

2. Vilas s/o Laxman Patole

Respondents

Mr. P. N. Muley, Advocate for the appellant.
Mr. S. N. Morampalle, APP for the State.
Mr. A. V. Lavte, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 30th JUNE, 2023.

PER COURT :

1. Appellant apprehends arrest in connection with Crime No. 0270.2019 registered with Dharur Police Station, Dist. Beed, for the offences punishable under Sections 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. On 28th October, 2019, informant reported to the police incident occurred on 26th October, 2019 at about 8.00 to 8.30 pm.

Informant claims that he was called by the appellant and hence he went to the village. According to him, they met in front of the house of Ashok. There was a talk between them about payment of Rs.20,000/- towards the transaction of motorcycle. It is claimed that thereafter he was taken to river and there he was abused over his caste and assaulted.

3. Learned counsel for the appellant states that the liberty of the appellant was protected and that after lapse of four years his custody is not necessary. It is also contended that charge-sheet is also filed and the case is committed for trial before the Special Court.

4. Learned APP and learned counsel for the informant opposed the said contention by drawing attention of the Court to the specific allegations made in the First Information Report against the informant.

5. There is no dispute about the fact that liberty of the appellant is protected since 2019. Now after completion of investigation, charge-sheet is filed and hence there is no propriety in

keeping the appellant behind the bar. He cannot be detailed by way of pretrial punishment.

6. In view of above, appeal is allowed. Hence, the following order :-

ORDER

(i) Appeal is allowed.

(ii) In the event of arrest of appellant in connection with Crime No. 0270/2019 registered with Dharur Police Station, Dist. Beed, for the offences punishable under Sections 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on his furnishing PR Bond of Rs. 15,000/- (Rs.Fifteen Thousand only) with one solvent surety in the like amount.

(iii) Bail before the Trial Court.

(R. M. JOSHI)
Judge