

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.3 OF 2023
WITH
INTERIM APPLICATION NO.976 OF 2023
IN
CRIMINAL APPEAL NO.3 OF 2023

Dattatraya Narayan Gole & Ors.	]	..	Appellants
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Prithviraj Gole for the Appellants.

Mr.Atharva Bhingardave i/b Vaibhav Gaikwad, for Respondent No.2.

Mr.Y.M. Nakhwa, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 13th September, 2023.

P.C.

1] The learned counsel for Respondent No.2 as well as the learned APP do not dispute the position that on completion of investigation in CR No.183/2022, charge-sheet is filed, by collating the material collected during the course of investigation.

Charge sheet is placed on record and it has compiled the statement of complainant as well as his supplementary statement recorded on 18.11.2022.

2] The complainant refer to the castiest abuses being hurled by Sandeep Gole and Dattatray Gole, when he refused to give them his pick up van, as it had not received the passing number. It is the allegation of the complainant that Pradeep and Ramesh caught hold of him and Dattatray assaulted him by hands, whereas Sandeep is alleged to have assaulted by means of iron pipe, which resulted in bleeding injury.

In his supplementary statement, the complainant has stated that all the four accused persons collectively abused him in the name of caste. After the said incident, his wife is alleged to have arrived at the spot and even she was assaulted.

In the supplementary statement, the complainant categorically stated that when he was assaulted on the bus stop, no one was present there and he also admit that though at the time of lodging complaint, he has stated that he was assaulted by iron pipe, he clarify that he was not sure whether it was a pipe or a rod.

The injury certificates is also compiled in the charge sheet and as far as complainant is concerned, he has sustained, simple injuries which include a blunt trauma on right eye and injury to the nose alongwith contusion. There is no injury certificate of the wife of the complainant.

3] The learned counsel for the Appellant submit that his implication in the subject CR is false and it is just to take revenge of the complaint which he has filed against the complainant in January, 2022.

In any case, now the investigation being complete and the charge sheet being filed, there is no requirement of custodial interrogation of the Appellants and the learned APP confirm the said position.

4] In the wake of above, the Appellants deserve protection from arrest, which shall, however, subject to stipulation that on the directed days, they shall report to the Police Station and they shall be investigated about their role attributed in the complaint, which has surfaced in the charge-sheet.

In the wake of above, following order is passed :

ORDER

- (a) Appeal is allowed.
- (b) In the event of arrest in connection with C.R.No.183/2022 registered with Medha Police Station, the appellants; Dattatray Narayan Gole, Sandip Dattatray Gole, Pradip Kisan Gole and Ganesh Lakshman Gole shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.
- (c) The Appellants shall report to the concerned police station on every Thursday for four weeks, between 3.00 p.m. to 5.00 p.m. and thereafter as and when directed.
- (d) The Appellants shall furnish their contact numbers and address to the Investigating Officer and shall keep him updated about change, if any.

[BHARATI DANGRE, J]