

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1149 OF 2022

Dhareppa Dhondappa Anjutagi	Appellant
versus	
The State of Maharashtra and another	Respondents

Mr.Ritesh M. Thobde with Mr.Kamran S. Shaikh, Mr.Changdev S Shingade, Advocates for Appellant.

Mr.Anand S. Salgaonkar, appointed Advocate for Respondent no.2.

Mrs.M.H.Mhatre, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 2nd February 2023

PC :

1. By the present Appeal under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Appellant/Accused has impugned Order dated 20th October 2022 passed below Exhibit-1 in Criminal Bail Application No.1351 of 2022 by learned Incharge Additional Sessions Judge, Solapur, rejecting his application for bail in C.R No.218 of 2022 registered with Mandrup Police Station for the offences under Sections 326, 504, 506 of Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(va) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard Mr.Thobde, learned Advocate for Appellant, Mrs.Mhatre, learned APP for State and Mr.Salgaobnkar, learned Advocate appointed to represent Respondent no.2. Perused entire record produced before us.

3. The FIR is lodged by Respondent no.2 on 19th August 2022 at about 23.12 p.m (11.12 p.m). It is the prosecution case that, Respondent no.2 was earlier working with Appellant in his welding shop namely Shri Bhadreswar Welding Works situated at Bhandarkavathe for six months. Respondent no.2 subsequently left said job and started his own workshop at Bhandarkavathe and therefore Appellant was having grudge against Respondent no.2. That, Appellant on earlier occasions had threatened Respondent no.2 for the said reason. That, on 19th August 2022 at about 00.30 a.m the Appellant and his brother Pradip completed their work and went to sleep. Pradip was sleeping outside the shop whereas Respondent no.2 was sleeping inside the shop by pulling its shutter down. At that, time Appellant came at the said place opened the shutter of the said shop and by abusing Respondent no.2 in filthy language assaulted with an iron weapon on his both hands Therefore both the hands of Respondent no.2 got fractured. Respondent no.2 also suffered grievous injuries to his hand. Appellant thereafter fled away

from the scene of offence. The said incident occurred between 1.00 to 1.30 a.m of 19th August 2022. In this brief premise present crime is registered.

4. Medical/injury certificate dated 6th September 2022 issued by Kumthale Speciality Hospital, Solapur indicates that, Respondent no.2 suffered following three injuries :

- (i) Fracture of Right Ulna,
- (ii) Sharp cut sound of 4x2x1.5 cm over postero lateral aspect of FA Elbow Left,
- (iii) Lacerated Wound of 4x1x0.5 cm over Left Scampular area.

5. It thus prima facie appears that, there is variance in the version of Appellant about suffering fracture to both his hands. The Medical Certificate issued by the said hospital does not support contention of Respondent no.2 in that behalf. Appellant was arrested by police on 20th August 2022 and since then he is behind bars. The investigation of present crime is completed and police have already filed charge sheet. Learned advocate for Appellant on instructions submitted that, there are no antecedents at the discredit of Appellant.

6. Learned advocate appointed to represent Respondent no.2, on instructions, submitted that, close relatives of Appellant are administering threats to him and his brother for either compounding

the offence or settle the issue otherwise Respondent no.2 will have to face serious consequences. He therefore submitted that, Appellant may not be released on bail.

7. In view of the facts mentioned in paragraph 5 and after taking into consideration submissions made by learned advocate for Respondent no.2, we are of the opinion that, Appellant can be released on bail by imposing stringent conditions.

8. Hence following order :

(i) Appellant be released on bail in C.R No.218 of 2022 registered with Mandrup Police Station, District Solapur, on executing PR bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

(ii) After his release from jail, Appellant shall not enter jurisdiction of Mandrup Police Station till conclusion of trial except for attending concerned Police Station as has been directed hereinafter;

(iii) After his release from jail, Appellant shall attend Mandrup Police Station, Solapur (Rural), on every first Monday of the month between 10 a.m to 12 noon initially for a period of one year and thereafter on every first Monday of every 3rd month i.e. four times in a year during pendency of trial;

(iv) Appellant shall not tamper with evidence.

9. In view of the above, impugned Order dated 20th October 2022 is set aside.

10. Appeal is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST