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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.16 OF 2023

Avinash Vijay Akade] .. Appellant
vs.
State of Maharashtra & Anr.] .. Respondents

Mr.Satyajeet Dighe a/w Abhjeet Khade for the Appellant.
Mr.Y.M. Nakhwa, APP for the State.
Mr.Rameshwar Gite a/w Sunita Warang for Respondent No.2.
PC N.S. Gadhave, Pimpalgaon Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 11th September, 2023.

P.C.

1] The complainant approached Pimpalgaon Police Station alleging that on 22.01.2022, the present Applicant who is running a hotel (Dhaba) styled as 'Gaurav Hotel', adjoining to his field, hurled abuses at her and at her daughter, who was present there.

A tiff occurred and the Appellant is alleged to have inappropriately touched her and when her daughter pushed him, one gold apparel which she was wearing went missing.

This prompted the Appellant to run towards his hotel to return with a scythe and being accompanied by his wife, her brother, one Tushar, and four employees of the hotel, who were armed with plastic pipe and iron rod.

2] The complainant has collectively assigned role to all of them, of hurling castiest abuses and of assaulting her daughter Durga.

When the Appellant intended to cause death of Durga attacking her with scythe, the complainant intervened and took the blow on her hand.

Upon the hue and cry being raised, her family members arrived on the spot and the Appellant alongwith his associates is alleged to have fled away.

The above incident, resulted in registration of CR No.20/2022 which invoke offences under Section 307, 326, 354, 324, 323, 427, 143, 147, 148, 149, 504, 506 of the IPC read with Section 3(1)(r), 3(1)(s), 3(1)(w)(i)(ii), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3] During the course of investigation, injury certificate in respect of the complainant is collected, on being examined at Primary Health Centre, Pimpalgaon, which reflect that she had sustained CLW on forearm of left hand. Apart from this, her daughter Durga has also sustained a simple injury on her forearm.

On investigation being completed, charge sheet is filed.

The Applicant is arrested on 25.01.2022 and since then he continue to be incarcerated.

4] Considering the nature of injuries sustained, which are reflected in the Injury Certificates compiled in the charge-sheet, I deem it appropriate to secure the release of the Appellant subject to the conditions mentioned hereunder, which shall ensure that he is available for trial and do not in any pressurize the complainant or her family members.

In the wake of above, following order is passed :

ORDER

- (a) Appeal is allowed.
- (b) Appellant Avinash Vijay Akade shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The Appellant shall not visit Gaurav Hotel and though he is permitted to continue to reside in Pimpalgaon, he shall make no attempt to contact the complainant or her family members and indulge in any quarrel, as it is the case of the complainant that there is ongoing dispute in respect of the piece and parcel of agricultural land.

Upon such act being indulged into, the complainant as well as the prosecution, shall be at liberty to seek cancellation of bail.
- (d) Upon release, the Appellant shall report to the concerned Police Station on first Monday of every month between 3.00 p.m. to 5.00 p.m.

[BHARATI DANGRE, J]