

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.872 OF 2023

Bajirao Shankar More & Ors. .. Appellants
Versus
The State of Maharashtra & Anr. .. Respondents

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Mr.Sanjeev P. Kadam i/b Mr.Sachin D. Kadam for the Appellants.

Mr.Y.M.Nakhwa, A.P.P. for the State/Respondent.

Mr.Narayan G. Rokde with Mr.Wasif M.F.Akil for the Respondent No.2

API E. M.Bhise, attached to Manmad City Police Station, present.

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CORAM: BHARATI DANGRE, J.
DATED : 01st NOVEMBER, 2023

P.C:-

1. The Appeal is filed by eight accused persons, who are apprehending their arrest in C.R.No.I-319 of 2023, registered with Manmad City Police Station on 22/07/2023, which has invoked the offences punishable under Sections 143, 147, 148, 149, 323, 324, 504 and 506 of the Indian Penal Code (for short, **“the IPC”**) as well as Sections 3(2)(va), 3(1)(r) and 3(1)(s) for the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, **“the Atrocities Act”**).

The complaint, which resulted in registration of the above C.R., is filed by one Vikas Lahire, who informed that he had filed an application under the Right to Information Act, as to why the seats in the Grampanchayat, which were reserved for the Scheduled Caste and the Scheduled Tribe, are not declared in Grampanchayat Satane.

In this background, on 20/07/2023, when he approached the Grampanchayat for making necessary inquiry, Bajirao Shankar More humiliated him, by saying as to why they require seats for their community and this resulted in a feud. The Complainant thereafter invited some of his supporters in order to pacify the feud, but there was no success and apart from hurling abuses, a fight ensued between the two groups.

The complainant claim that in the brawl he alongwith Kailash Lahire, Somnath Lahire, Popat Lahire, Deepak Tuwar and one Kusumbai Makune and Walyabai Makune, are injured.

2. There is a cross version of this narration, which resulted in registration of C.R.No.320 of 2023, where the Complainant is one Madhuri More and ten persons are arraigned as accused in the said C.R., which invoked Sections 143, 147, 148, 149, 324, 323, 354, 504 and 506 of the IPC. In the reported incident, the injured persons are Anil More, Rangnath More and Madhuri More.

3. I have heard the learned counsel Mr.Sanjeev Kadam for the Appellants, the learned A.P.P. Mr.Nakhwa for the State and the learned counsel Mr.Narayan Rokde for the Respondent No.2.

I have perused the injury certificates placed before me by the learned A.P.P..

At the outset, Mr.Kadam makes a statement that he would not press the Appeal qua the following Appellants, when I expressed my opinion about their active involvement, in the subject C.R.

Appellant No. 1- Bajirao Shankar More;

Appellant No.6- Navnath Rangnath More;

Appellant No.7- Sagar Waluba More;

Appellant No.8- Ramesh Rangnath More

4. As far as the remaining Appellants are concerned, he would submit that the version of the Complainant is an exaggerated one, as though he has reported that he was assaulted by Sanjay More, Bajirao More and Ramesh More by an axe, iron rod and handle of shovel on his head, back and waist, but when his injury certificate is perused, it record that he has sustained simple abrasion. Apart from this, there is no medical certificate of Kailas Lahire, indicating that he was not injured. Similarly, the certificate of Somath Lahire also reveal a blunt trauma on scalp, which is described as a fresh injury.

Taking review of the situation, Mr.Kadam admit that Popat Lahire sustained a grievous injury, he being assaulted by Sagar More and Ramesh More and, therefore, he do not press the Appeal against these Appellants. Even Deepak Tuwar has sustained the fracture of second metacarpal, which injuries are attributed to Navnath More, Bajirao More and Ramesh More, he is not pressing the Appeal against these

Appellants. Similarly as far as Kusumbai Makune and Walyabai Makune are concerned, they have sustained grievous injuries and as a consequence of which, Section 326 of the IPC was added and the injuries caused to her are attributed to Bajirao More and Ramesh More.

Barring these Appellants, who have caused grievous injuries in the subject C.R., and since the injuries attributed to the remaining Accused/Appellants are simple or there are no injuries at all, I see no reason why the custodial interrogation is warranted, as it is evident that the Complainant exaggerated the incident and apparently, the Investigating Officer is expected to discern the role attributed to each of the accused qua the injured and cannot blankly rely upon the statement of the Complainant.

In juxta position of this C.R., in C.R.No.320/23, Anil More has sustained the grievous injury and though the injury sustained by Rangnath More is a simple injury, it is evident that two groups clashed with each other in the office of the Grampanchayat and it is informed that Anil Chavan, Rakesh Tuwar and Abasaheb Makune, the Accused in C.R.No.320 of 2023 are admitted to protection from arrest.

In the wake of the above, I see no reason why barring the four Appellants, the remaining Appellants i.e. Anil More, Shankar More, Rangnath More and Sanjay More shall be refused the protection from arrest, as the role attributed to them did not result in grievous injury and in the wake of the exaggerated version in the complaint, their custodial interrogation is not at all necessary.

: **ORDER** :

(a) Appeal is partly allowed.

(b) The impugned order dated 28/07/2023 is quashed and set aside qua Appellant No.2-Sanjay Shankar More, Appellant No.3-Shankar Deoram More, Appellant No.4-Rangnath Deoram More and Appellant No.5-Anil Shankar More.

The Appeal is rejected in respect of Appellant No.1-Bajirao Shankar More, Appellant No.6- Navnath Rangnath More, Appellant No.7-Sagar Waluba More and Appellant No.8-Ramesh Rangnath More.

(c) In the event of arrest in connection with C.R.No.I-319 of 2023 registered with Manmad City Police Station, Appellant No.2-Sanjay Shankar More, Appellant No.3-Shankar Deoram More, Appellant No.4-Rangnath Deoram More and Appellant No.5-Anil Shankar More shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- each, with one or two sureties in the like amount.

(d) The above Appellants shall report to the concerned police station on Thursday and Friday between 3.00 p.m. to 5.00 p.m. for a period of two weeks and, thereafter, as and when called for.

(e) The Appellants, who are directed to be released on bail, shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)