

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.898 OF 2023

Ravindra Baban Jadhav .. Appellant
Versus
The State of Maharashtra & Anr. .. Respondents

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Mr.Bhalchandra S. Shinde for the Appellant.
Mr.Y.M.Nakhwa, A.P.P. for the State/Respondent.
Mr.Ranjeet Patil for the Respondent No.2.
Mr.Ganesh Pravin Ingale, SDPO attached to Baramati, Pune
Rural, present.

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

P.C:-

1. A, C.R. came to be lodged with Indapur Police Station on the complaint filed by one Shivaji Ekd, who had entered into an Agreement with one Shambho Giri as regards his land situated in Mauje Sardewadi, Taluka Indapur, admeasuring approximately one Guntha for consideration of Rs.1,60,000/-. Out of the said consideration, some consideration remained unpaid.

On 24/07/2021, he received a phone call from co-accused Santosh and he was questioned as to why he is exploiting Shambho and he was asked to enhance the consideration.

Thereafter, when he approached the spot situated in Sardewadi, Santosh arrived in his Indica car alongwith two unknown persons and Shambho Giri and his parents also arrived alongwith one more unknown person. Ravi Jadhav and his wife as well as Lata Baban Jadhav also assembled and he was questioned about the deal and when he responded by saying that it was the matter between him and his vendor, Santosh Jadhav pulled out Urea bag from his vehicle, which was carrying weapons and he asked the persons present there to eliminate the Complainant.

Santosh himself picked up a sword and hit him in his head, whereas Ravi Jadhav (Present Appellant) stabbed him with knife on the left side of his stomach. Another person, Namdev Zende, who came to his rescue, was also assaulted by a sword in his head and face and the two unknown persons continued to assault Namdev by scythe.

2. This incident resulted in registration of the C.R, which invoked Sections 307, 324, 323, 327, 143, 147, 148, 149, 504, 506, 269, 270 of the Indian Penal Code (for short, **“the IPC”**), Section 7(1)(d) of the Protection of the Civil Rights Act, Sections 3 and 4 of the Epidemic Disease Act, Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act. However, subsequently, when the statement of Namdev, the injured, was recorded, the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added in the C.R., as he alleged that Santosh Jadhav abused in the name of caste and had uttered that he should not be left alive.

On completion of investigation, the charge-sheet came to be filed against six named persons and three unknown persons.

3. As far as the present Appellant is concerned, he came to be arrested on 28/04/2023 and it is informed by the learned A.P.P. Mr.Nakhwa that after withdrawal of the Criminal Appeal on 23/12/2021, he was absconding and pursuant to the steps taken under Section 82 of the Criminal Procedure Code, he came to be arrested.

The charge-sheet has compiled the medical certificates of the Complainant Shivaji as well as the other injured Namdev.

The injuries sustained by the Complainant are reflected in the Medico Legal Certificate and they are described as simple injuries, with the following description.

Nature of Injury	L	On what part of the body impacted
CLW	6 CMS IN LENGTH STICHES TAKEN OUTSIDE	LT FOREHEAD
CLW	3X2X1 CMS IN LENGTH STICHES TAKEN OUTSIDE	RT HAND
CLW	3X2X1 CMS IN LENGTH STICHES TAKEN OUTSIDE	LT KNEE

Corresponding to the version of the Complainant that he was stabbed in his stomach, there is injury sustained on the left thorax, which is a contused lacerated wound (CLW) admeasuring 5 CM in length, which is classified as simple injury.

As far as other injured Namdev is concerned, he sustained CLW over right parietal region as well as on right tempo-parietal region. He also sustained CLWs on right side cheek region, right eyebrow region, right side nose, right hand and on right shoulder. The injuries sustained by Namdev are attributed to Santosh Jadhav and not to the present Appellant.

Needless to state that the Appellant will have to take the consequences of the said action, since Sections 147, 148, 149 of the IPC have also been invoked. As far as the offences under the Atrocities Act are concerned, though the FIR does not mention about any utterances, either by Santosh Jadhav or by the present Appellant, injured Namdev Zende, who gave his statement under Section 161 on 23/08/2021 referred to the abuses in the name of caste by Santosh Jadhav as well as by the present Appellant, who have allegedly threatened that he shall not be kept alive.

4. On completion of investigation, the material is compiled in the charge-sheet and there is no reason why the Appellant shall continue to remain incarcerated, as he shall take the consequences of the charges levelled against him in the charge-sheet, by facing the trial.

5. For the reasons recorded above, looking to the nature of the injuries sustained by the Complainant and as per the prosecution case, the present Appellant is the author of the injuries caused, which are described in the Medico Legal Certificate as simple injuries, the Appellant definitely deserve his release on bail.

The learned A.P.P. submits that after withdrawal of the Criminal Appeal before this Court, the Appellant was absconding and it is informed that he is an Advocate by profession.

6. Considering the accusations faced by him and since he being an Advocate, he has taken advantage of the judicial process and despite his Appeal being withdrawn, he came to be arrested belatedly in the month of April 2023. Though on merits of the matter, I deem it appropriate to release him on bail, it shall be imposed with a condition that after his release on bail, he shall reside outside Taluka Indapur and shall continue to report to the police station, where he would continue to reside. Hence, the following order.

: **ORDER** :

- (a) Criminal Appeal is allowed.
- (b) The impugned order dated 12/06/2023 passed by the Special Judge, Baramati in Bail Application at Exh.41 in Special Case No.198 of 2021 is quashed and set aside.
- (c) Appellant-Ravindra Baban Jadhav shall be released on bail in connection with C.R.No.673 of 2021 registered with Indapur Police Station on furnishing P.R. Bond to the extent of Rs.50,000/- with one or more sureties in the like amount.
- (d) Till the conclusion of the trial, the Appellant shall reside outside Taluka Indapur.

(e) On being released on bail, the Appellant shall report to the Indapur Police Station and inform the address of the place, where he intends to reside till the conclusion of the trial and his contact number and shall keep it updated, in case there is any change.

(f) The Appellant shall mark his attendance to the police station in whose jurisdiction he shall reside, on first Monday of every month between 3.00 p.m. to 5.00 p.m. till framing of charge.

(g) The Appellant, at any point of time, shall not seek relaxation of any of the above conditions, till the conclusion of the trial.

(h) The Appellant 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. The Appellant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)