

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

CRIMINAL APPEAL NO. 1233 OF 2023

Sunil Dashrath Shelke and Ors.

...Appellants
Applicants

vs.

State of Maharashtra and Anr.

...Respondents

Mr.Pratik Kalantri a/w Mr.Piyush Toshniwal - Advocates for Appellants.

Mr.S.R.Agarkar - APP for Respondent No.1-State.

Mr.Amit R. Icham - Advocate for Respondent No.2.

Mr.Satish Ashok Daule - Police Sub Inspector - Sinnar Police Station - Nashik.

CORAM : S. M. MODAK, J.

DATE : 28th NOVEMBER 2023

P. C. :-

1. Heard learned Advocate for Applicants/Appellants, learned APP and learned Advocate for Respondent No.2 - First Informant. Respondent No.2 is present in Court.

2. On 10th November, 2023, a submission was made that the parties have settled the dispute and accordingly, the Investigating Officer was directed to record the statement of the First-Informant.

3. Today, the Officer is present and learned APP has shown to me the supplementary statements recorded of Shri.Arjun Chandrabhan Mali and Sadhna Arjun Mali. Additionally, the

Satish Sangar - Order is modified as per order dated 13th December, 2023

Respondent No.2 has also filed an affidavit mentioning that they have settled the dispute.

4. An anticipatory bail is sought in respect of an offence bearing C.R. No. 587 of 2023 registered with Sinnar Police Station - Nashik Rural under Sections 354, 341, 324, 323, 504, 506, 141, 143, 147, 148, 149 read with 34 of Indian Penal Code, 1860 ["IPC"] as well as under Sections 3(1)(r), 3(1)(s), 3(2), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ["SC & ST Act"].

5. The First-Informant is Respondent No.2 - Arjun. Whereas, there is counter FIR registered at C.R. 588 of 2023 registered with Sinnar Police Station under Sections 143, 147, 354B, 323, 504, 506, 427 of IPC. The First-Informant is Seema Anil Shelke.

6. In view of the fact that now the parties have settled the dispute, so also, quashing petition is also filed, I do not think that custodial interrogation of the Applicants/Appellants is required.

7. In view of that, following order is passed :-

O R D E R

- (i) Appeal is allowed.
- (ii) Order dated 23rd October, 2023 passed by the Court of Additional Sessions Judge - 2, Nashik is set aside.
- (iii) In case of an arrest in connection with C.R. No. 587 of 2023 registered at Sinnar Police Station - Nashik

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Rural for the offences punishable under Sections 354, 341, 324, 323, 504, 506, 141, 143, 147, 148, 149 read with 34 of IPC as well as under Sections 3(1)(r), 3(1)(s), 3(2), 3(2)(va) of SC & ST Act, the Applicants namely - (i) Sunil Dashrath Shelke, (ii) Suresh Parashram Shelke, (iii) Ashish Anil Shelke, (iv) Shubham Anil Shelke, (v) Tushar Vishanu Shelke, (vi) Balu Dashrath Shelke, (vii) Balu Dashrath Shelke (Mali), (viii) Gorakshnath Balu Shelke, (ix) Santosh Govind Shelke, (x) Anil Dashrat Shelke, (xi) Samadhan Balu Shelke and (xii) Sachin Balu Shelke be released on furnishing personal bond and surety bond of Rs.15,000/- each.

- (iv) Applicants to cooperate the Police as and when required.

[S. M. MODAK, J.]