

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.266 OF 2023

(Ashish Jagdish Pillare (In Jail) Vs. The State of Maharashtra thr. PSO PS Railway,
Dist. Amravati and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. V. R. Deshpande, Advocate for Appellant.
Mrs. S. S. Jachak, APP for Respondent 1/State.
Ms. Soniya Gajbhiye, Advocate (Appointed) for Respondent 2.

CORAM: VRUSHALI V. JOSHI, J.

DATE: 12th MAY, 2023.

The applicant has filed this application in Crime 120/2023 for the offence punishable under sections 324, 323, 294, 504, 506 of the IPC and 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The allegations are made that complainant Sau. Dipali Bansod has lodged the complaint against the applicant and other co-accused on 17.03.2023. On that day, the work of construction of cement road behind her house was going on and 5 to 6 labourers and contractors were present there. The complainant was standing alone with her husband. Accused Jagdish and his two sons namely Ashish and Akash came there with bamboo stick. The quarrel took place between both of them. The allegations are made that the accused assaulted

with wooden stick and uttered the words insulting the caste of the first informant. The offence is registered against all the accused persons.

2. The counsel for the applicant has stated that there is dispute between both the families since many years, civil and criminal cases are pending against each other. For the said incident the applicant has first lodged the complaint and the NC is registered. Thereafter the complaint was lodged by the first informant and the crime is registered against the applicant. The applicant is in jail since last two months. The other co-accused are released on bail. Accused Jagdish is released on bail and accused Akash is released on interim anticipatory bail. The offence is under section 324 of IPC. He has not uttered the word in regard to the caste. Practically the investigation is completed and he is released on bail.

3. The learned APP opposed the application stating that while making submission for grant of bail for other accused before this Court the applicant has mentioned the role played by all the accused persons. The offence under the atrocities Act is registered against this applicant. They are from same vicinity and there is dispute between both the families. If he is

released on bail, there is possibility of occurrence of similar offence.

4. Heard both the counsel. The allegations are made against this applicant about uttering the words in naming the caste of the first informant. There is enmity between both the families and there are complaint and the counter complaints. The first complaint lodged for the same offence by the applicant. Considering the nature of offence and as practically investigation is completed, I am of the opinion that this is a fit case to release the applicant on bail. Hence, I pass the following order:

[i] The applicant be released on bail in Crime 120/2023 registered with the Police Station Chandur Railway, District Amravati for offence punishable under sections 324, 323, 294, 504 and 506 of the IPC and section 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act on furnishing personal bond of Rs.25,000/- with a surety of like amount.

[ii] The applicant shall attend Police Station

Chandur Railway, District Amravati as and when called by the Investigating Officer and shall co-operate with the Investigating Officer.

[iii] The applicant shall not make any attempt to influence the witnesses or tamper with the evidence.

[iv] The applicant shall not leave the country without permission of the jurisdictional court.

5. The appeal is allowed.

JUDGE