



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

CRIMINAL APPEAL NO.578 OF 2023

(Krushna s/o Dhondurathod Vs. State of Maharashtra thr. PSO PS Lonar, Dist.
Buldhana and another)

AND

CRIMINAL APPEAL NO.516 OF 2023

(Prabhu s/o Dhondurathod Vs. State of Maharashtra thr. PSO PS Lonar, Dist.
Buldhana 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. S. V. Sirpurkar, Advocate for Appellant.
Mrs. M. A. Barabde, A.P.P. for Respondent No.1/State.
Mr. Aniruddha A. Krishnan, Advocate for Respondent No.2.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 1st DECEMBER, 2023.

COMMON ORDER:

Heard.

Admit. By consent of the learned counsel present
for the parties, the appeal is taken up for final disposal.

2. This is an appeal in terms of section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 challenging the order of rejection of regular bail by the learned Special Judge, Mehkar dated 18.11.2022 of accused Prabhu Dhondurathod and the application of the accused Krishna is rejected on 02.08.2023.

3. The accusation against the present applicant on

the basis of report lodged by the father of the injured, a crime came to be registered with Lonar Police Station, District Buldhana alleging that the accused are residents of the same village and were indulging into illicit liquor business. The informant's son had quarrel with the accused, for which there were past instances of abuses. On 27.07.2022, all the accused in furtherance of their common intention, assaulted victim Santosh and caused him injuries of grave nature. The assault was by sickle, knife, wooden sticks on the vital part, and therefore, the crime is registered under section 307 of the Indian Penal Code.

4. These appeals have been preferred by the accused Krushna and Prabhu. The application of Prabhu was withdrawn with liberty to file fresh after three months. The co-accused Dhondu and Sopan are released on bail by the Division Bench of this Court.

5. After examination of the First Information Report along with the statement of the injured it reveals that the incident occurred on 27.07.2022 at around to 02:00 p.m. to 03:00 p.m. in a residential locality. As per the statements of injured and witnesses, accused Prabhu dealt blows by means of sickle on the head of the injured, whilst Krushna has dealt knife blow. The injury certificate filed on record shows that the injured sustained three injuries in the nature of contused lacerated wound on left parieto occipital region. The nature of the injuries described by the medical officer

are in the nature of simple injuries, there is no dispute that injured is discharged from the hospital, the investigation is also completed. In the meantime, the parties have settled their dispute amicably. The informant has filed an affidavit to that effect.

6. Having regard to the fact that the parties have settled their dispute, the injuries sustained by the injured are of simple nature, the investigation is completed the trial will take considerable time for disposal. The further detention of the present appellants are not required. In view of the above, I proceed to pass following order:

- [i] Both the criminal appeals are allowed and disposed of.
- [ii] The impugned order passed by the learned Special Judge rejecting the application for bail is hereby quashed and set aside.
- [iii] The appellants Prabhu Dhondurathod and Krushna Dhondurathod are released on bail on their furnishing P.R. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.
- [iv] The appellant – accused shall not directly or indirectly make any inducement, threat or

promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

- [v] The appellant – accused shall provide their mobile number and residential address to the concerned Investigating Officer and shall not change their place of residence without prior intimation to the concerned Investigating Officer.

JUDGE