



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

CRIMINAL APPEAL NO.599/2023

Roshan Manhor Jawanjal
Age 35 years, Occ: Private Job,
R/o Hanuman Nagar, Morshi,
Tq. Morshi, Dist. Amravati.

....APPELLANT

...V E R S U S...

1. The State of Maharashtra through
Police Station Officer, P.S. Morshi,
Tq. Morshi, Dist. Amravati.
2. Kalpana Vinod Nagale
Age 42 years, Occ: Household,
R/o Hanuman Nagar, Morshi,
Tq. Morshi, Dist. Amravati.

...RESPONDENTS

Shri S.B. Gandhe, Advocate for appellant.
Shri H.D. Futane, A.P.P. for respondent no.1.
Ms Mohini Sharma, Advocate appointed for respondent no.2.

CORAM:- M.W. CHANDWANI, J.
DATED :- 12.10.2023

ORAL JUDGMENT:

. Heard. **Admit.** Heard finally with the consent of
learned counsel for the parties.

2. The application for bail having been rejected by the
learned Special Judge and Additional Sessions Judge-2, Amravati
in connection with Crime No.337/2023 registered with Police
Station, Morshi, District Amravati for the offences punishable under

sections 452, 323,504 and 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, “Act of 1989”).

3. It is contended on behalf of the learned counsel for the appellant that the appellant has been falsely implicated in this case. There is counter FIR out of same incident and on the false allegations of the informant the provisions of Act of 1989 attracted by the police. According to him, the appellant is arrested on 08.08.2023 and since then he is in jail.

4. Per contra, learned APP assisted by learned counsel for the respondent no.2 submit that there is prima facie material against the appellant therefore bail application of the appellant has rightly been rejected by the learned Additional Sessions Judge by its order dated 24.08.2023.

5. Perusal of FIR goes to show that the appellant and the informant/respondent no.2 are neighbours and quarrel took place on the count of throwing garbage. The mother of the appellant started abusing the informant. The appellant alongwith his father came there and assaulted the informant by fist blows and the mother of the appellant abused the informant in the name of

caste. Therefore, on the complaint of respondent no.2 the aforesaid offence came to be registered against the appellant and his parents.

6. Perusal of case diary reveals that the allegation against the appellant is that he assaulted the informant by fist blows by entering into her house and the allegation of abuses on caste is not attracted to the appellant. The injuries on the person of the informant are simple in nature. The appellant is behind bars for more than a month.

7. Considering the nature of allegations and period of custody, I think that further incarceration of the appellant at pre-trial stage is not justifiable, hence, a case is made out for exercising the discretion in favour of the appellant. Accordingly, I proceed to pass the following order:

ORDER

- i. The criminal appeal is allowed.
- ii. The order dated 24.08.2023 passed by the learned Special Judge and Additional Sessions Judge-2, Amravati in Criminal Bail Application No.1087 of 2023 is set aside.
- iii. The appellant- Roshan Manohar Jawanjal, shall be released on bail in connection with Crime No.337/2023 registered with Police Station, Morshi, District Amravti for the

offences punishable under sections 452, 323,504 and 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on furnishing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

iv. The appellant shall not induce, threaten, or promise any witness, who are connected with the alleged crime.

v. The observations made in this order are prima facie. The trial Court shall not get influenced by the observations made in this order.

vi. Professional fees of the learned appointed counsel for respondent no.2 be quantified and paid as per Rules.

The appeal is disposed of.

JUDGE

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