



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 97 OF 2024

**YASHKUMAR BHARAT RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. A. D Sonkawade and Mr. Manish Paithane, Advocates h/f
Mr. Madhur A. Golegaonkar, Advocate for Appellant
Mr. S.B. Jadhav, APP for Respondent Nos.1 & 3/State
Ms. Manjushri V. Narwade, Advocate for Respondent No.2
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th MARCH, 2024

PER COURT :

1. This appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, takes exception to the order dated 09/11/2023, passed by learned Additional Sessions Judge, Nanded, below Exhibit-5 in Special Case No.120/2023, thereby rejecting bail to appellant in C.R. No.524/2023, registered with Nanded Rural Police Station, Nanded, for offence punishable under Sections 307, 324, 506 r/w 34 of the Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3/25 of Arms Act.

2. The FIR is lodged by Atul Vishwanath Dhotare against
1. Akash Upase, 2. Akshay Sindagikar, 3. Yash Rathod and 4. Vyankatesh Sindagikar, alleging that on account of previous dispute

accused persons assaulted him on 15/07/2023 at about 10:00 p.m. Akash Upase called name of caste of informant and abused him. Akshay and Vyankatesh caught informant. Appellant hit beer bottle on his head as well as on his neck. He also tried to give blow of that bottle on informant's stomach, informant caught the bottle due to which he received injury on right wrist. Akash pointed pistol like thing towards informant and threatened to kill him.

3. Heard learned advocate for appellant, learned advocate for respondent No.2 and learned APP for respondent Nos.1 and 3 - State. Perused the investigation papers.

4. Charge-sheet in the present crime is filed on 05/09/2023 and the case is numbered as Special Case No.120/2023. Accused No.2 Akshay Sindagikar and accused No.4 Vyankatesh Sindagikar are released on regular bail, whereas accused No.1 Akash Upase is in custody.

5. Appellant is arrested on 16/07/2023. Medical report of informant shows that he has suffered simple injuries. Considering the nature of injuries and the role attributed to appellant, appellant need not be detained in custody any further. Appellant has no criminal antecedents. He is permanent resident of Dhanegaon, Nanded, and has deep roots in the society. He will not abscond if released on bail.

6. In the result, appeal is allowed. Impugned dated 09/11/2023, passed by learned Additional Sessions Judge, Nanded, below Exhibit-5 in Special Case No.120/2023, is hereby quashed and set aside.

7. Appellant Yashkumar Bharat Rathod be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount, in connection with C.R. No.524/2023, registered with Nanded Rural Police Station, Nanded, for offence punishable under Sections 307, 324, 506 r/w 34 of the Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3/25 of Arms Act.

8. For a period of three months, appellant shall not enter in Dhanegaon area of Nanded City and shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)