



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 CRIMINAL APPEAL NO. 205 OF 2024

1. Rajesh @ Atul Bandu Tupe
2. Pramod @ Babu Ram Badge
3. Shrikant Shripati Mane
4. Aakash Ramnarayan Badge
5. Sangram@ Banti Tukaram Badge
6. Nitesh @ Tabbusha Bandu Tupe ...Appellants

Versus

1. The State of Maharashtra
2. Kalinda Jalindar Kuchekar ...Respondents

...

Advocate for Appellants : Mr. Deogude Sachin S.

APP for Respondent No.1: Mr. S.B. Narwade

Advocate for Respondent No.2 : Ms. Sanyukta N. Suryawanshi
(appointed)

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CORAM : SHIVKUMAR DIGE, J.
DATED : 21st AUGUST, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 12.02.2024 passed by the Additional Sessions Judge-2, Beed in Criminal Bail Application No.71 of 2024 filed in pursuance of crime No. 264 of 2023 registered with Neknoor police station, district Beed for the offences punishable under sections 143, 147, 323, 324, 504 r.w. 149 of I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the prosecution's case that on 12.9.2023 around 5.00 p.m.

when the informant had gone to bring grocery from grocery shop, at that time, the appellant abused the informant on his caste on the ground of old dispute and the appellant Pramod assaulted the informant with wooden stick. When the daughter-in-law of the informant came there to rescue the informant, at that time, the appellant Atul punched her. It is alleged that the appellant's sister-in-law came there by hearing the commotion. It is alleged that the appellant Akash slapped her and abused her. It is alleged that the other appellants assaulted the informant and other family members of the informant with wooden stick and fist and kick blows.

3. It is the contention of the learned counsel for the appellants that the appellants have been falsely implicated in this case. The allegations of abusing on caste are in chorus. No specific allegations are made against the appellants. The investigation is completed and charge sheet has been filed against all appellants. Considering the allegations against the appellants, their custodial interrogation is not required and requested to allow the appeal.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.2 that the appellants abused the informant on her caste and assaulted the informant and her family members with wooden stick. Considering the allegations against the appellants,

their custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the charge sheet. The allegations against the appellants are that they abused the informant on her caste and assaulted the informant and her family members. In the F.I.R. the allegations on caste are made in chorus. No specific allegations are made against any of the appellants that they had abused the informant and her family members on caste. The injuries sustained by the informant and her family members are simple in nature. The investigation is completed and charge sheet has been filed against all the appellants. Considering these facts, the custodial interrogation of the appellants are not required and I pass the following order:-

ORDER

(i) The appeal is allowed.

II. The order dated 12.02.2024 passed by the Additional Sessions Judge-2, Beed in Criminal Bail Application No.71 of 2024 is quashed and set aside.

(III) In the event of arrest of the appellants in connection with crime No. 264 of 2023 registered with Neknoor police station, district Beed for the offences punishable under sections 143, 147, 323, 324, 504 r.w. 149 of I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following condition :-

(a) the appellants shall attend the concerned police station as and when required by the Investigating Officer.

6. Since Ms. Sanyukta N. Suryawanshi, the learned counsel is appointed to represent the respondent No.2, her legal fees and expenses are quantified at Rs.10,000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SHIVKUMAR DIGE, J.)

rlj/