



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

CRIMINAL APPEAL NO. 216 OF 2024

SATISH MADAN SONTAKKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Sudarshan J. Salunke, Advocate for Appellants
Mrs. P.V. Diggikar, APP for Respondent No.1/State
Mr. Gajanan K. Ulle, Advocate for Respondent No.2 (Appointed)

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th 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 21/02/2024, passed by learned Special Judge, Nilanga, in Criminal Bail Application No.19/2024, thereby rejecting bail to appellants in C.R. No.25/2024, registered with Kasar Shirshi Police Station, Dist. Latur, for offence punishable under Sections 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. FIR is lodged by Ram Babuwan Shivpure alleging that he has civil disputes about land with Madan Tukaram Sontakke since last 12 years. Digambar Bansode is working as a yearly labour in his field. On 04/02/2024 at about 07:10 p.m. when he started proceeding towards village from the agricultural land, on the way,

appellants Satish Madan Sontakke, Sachin Madan Sontakke and Mohan Madan Sontakke pushed his motorcycle, due to which he fell down. Satish assaulted on his head, near left ear, back and stomach with hunter. Satish also assaulted him with hunter on his forehead, near nose, left wrist, middle finger, chest and neck. Mohan assaulted with stick on both his legs. They also assaulted him with fists and kick blows. Upon hearing his shouts his labour Digambar came there. Mohan gave a stick blow on his right shoulder. All appellants abused them and threatened that if informant files appeal against them in the Court, they will kill him.

3. Pursuant to the registration of crime, appellants were arrested on 10/02/2024 and 12/02/2024. Their regular bail application is rejected by the trial Court. Hence, the present appeal.

4. Heard learned advocate for appellants, learned APP for respondent No.1/State and learned advocate for respondent No.2. Perused the investigation papers.

5. Learned APP and learned advocate for respondent No.2 vehemently opposed the appeal contending that informant has suffered grievous injuries in the assault. Considering the previous dispute between them, if appellants are released on bail they will pressurise informant and prosecution witnesses. Since assault by appellants is *prima facie* supported by medical certificate,

appellants are not entitled for bail.

6. Perusal of the medical certificate of informant shows that, out of eight injuries suffered by him, three injuries are stated to be grievous. Merely because injuries are stated to be grievous, that itself is not sufficient for applying Section 326 of I.P.C. Learned APP was at pains to point out how the grievous hurt caused in present crime would fall within the definition of 'Grievous Hurt' given in Section 320 of I.P.C. Digambar Bansode has suffered contusion on right shoulder.

7. *Prima facie*, at the most Section 324 appears to be attracted to the facts of present case. Appellants are arrested on 10/02/2024 and 12/02/2024 and weapons allegedly used in the crime are already recovered. Investigation appears to be on the verge of completion. Trial is not likely to conclude in near future. Appellants are permanent residents of Hari Jawalga, Taluka Nilanga, Dist. Latur, and have deep roots in the society, they will be available for trial. They need not be detained for indefinite period.

8. In the result, appeal is allowed. Impugned order dated 21/02/2024, passed by learned Special Judge, Nilanga, in Criminal Bail Application No.19/2024, is hereby quashed and set aside.

9. Appellants be released on executing Personal Bond and Surety Bond of Rs.25,000/- each, with one surety in the like amount, in connection with C.R. No.25/2024, registered with Kasar Shirshi

Police Station, Dist. Latur, for offence punishable under Sections 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

10. Appellants shall not enter the village Hari Jawalga, Taluka Nilanga, Dist. Latur, for a period of six months from today.

11. Till filing of charge-sheet, appellants shall attend concerned police station as and when called by investigating officer and shall furnish their residential address to investigating officer. Appellants shall not, in any manner, influence prosecution witness.

12. Fees of learned advocate appointed to represent respondent No.2 be paid by the High Court Legal Services, Sub-Committee, Aurangabad, as per the schedule, within a period of four weeks.

(NITIN B. SURYAWANSHI, J.)