



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 297 OF 2024

Shrikant Govind Bhujbal And AnotherAppellants

VERSUS

The State Of Maharashtra And AnotherRespondents

.....
Mr. N.P. Patil Jamalpurkar, Advocate for appellants

Mr. A.A. Khan, APP for State

Ms. Netra Bhise, Appointed advocate for respondent No. 2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. By this appeal filed under section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants challenges order passed by learned Additional Sessions Judge, Omerga, in Criminal Bail Application No. 19/2024.

2. Respondent No. 2 lodged FIR on 09.02.2024 against Shrikant Bhujbal and Nagu Guru Bhujbal alleging that for last nine months he is working as annual labour in the agricultural land of Babruwan Maruti Bhujbal. There is dispute between his landlord and accused No. 2. On 24.01.2024, at about 9.00 am, informant went to deliver milk at dairy. Applicant No. 2 asked

him not to talk with Vyankat Bhujbal. He abused him in filthy language. He threatened to kill him. He abused him by taking name of his caste. He caught hold of his collar of shirt. He had beaten him. He came back to his landlord and narrated the occurrence. On his way to village he met his wife. Both of them were proceeding to landlord's house. At that time, Shrikant Bhujbal and Nagu Guru Bhujbal obstructed them. They made him lie on the ground and started beating him by fists and kick blows. He was rescued by his wife. Shrikant Bhujbal gave blows of stick on his right hand. He sustained injuries. He was threatened to put cow dung in his mouth and abused in the name of caste.

3. Heard learned advocate for appellants, learned APP for State and learned advocate appointed to represent respondent No. 2.

4. Prima facie, there appears substance in the contention of appellants that due to the previous dispute informant has implicated them in the present crime at the instance of employer. There was no occasion for appellants to assault informant without any reason. Though it is alleged in the FIR that informant was assaulted with stick, injury certificate

shows that informant has suffered simple injuries.

5. Appellants were granted interim protection and stick allegedly used in the crime is already recovered. No useful purpose would be served by remanding appellants to the custody.

6. In the result, appeal is allowed.

7. Order dated 14.03.2024, passed by learned Additional Sessions Judge, Omerga in Criminal Bail Application No. 19/2024 is quashed and set aside.

8. Interim protection granted to appellants by order dated 2nd April, 2024 is hereby confirmed.

9. Till filing of charge sheet appellants shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Appellants shall not tamper the prosecution evidence.

10. High Court Legal Services, Sub Committee, Aurangabad shall pay fees of learned appointed advocate for respondent No. 2, as per rules, within four weeks from today.

[NITIN B. SURYAWANSHI, J.]

Bhagyawant Punde