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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.304 OF 2024

1. Amrut Shankar Pawar APPELLANTS
2. Shankar Amrut Pawar

VERSUS

The State of Maharashtra and Others RESPONDENTS

AND
CRIMINAL APPEAL NO.305 OF 2024

1. Deepali Santosh Gaikwad APPELLANTS
2. Rani Santosh Gaikwad @ Jadhav
3. Yallappa @ Ganesh Santosh Gaikwad @ Jadhav

VERSUS

The State of Maharashtra and Others RESPONDENTS

.....
Mr. Shashikant E. Shekade, Advocate for the appellants
Mr. S. R. Wakle, APP for respondent - State
Mr. S. M. Dhandiwal, Advocate for respondent No. 3 (appointed)

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th APRIL, 2024

ORDER :

1. These appeals, filed under section 14-A (2) of the Scheduled Caste, Scheduled Tribes (Prevention of Atrocities) Act, challenge orders passed by learned Additional Sessions Judge, Shrigonda in Criminal Bail Applications No. 137 of 2024 and 138 of 2024.

2. Informant, who belongs to Scheduled Caste, performed marriage with Seema, who belongs to Hindu Nandiwale caste. Her mother filed missing complaint at Karjat Police Station. Informant approached Karjat Police Station and gave statement. It is alleged by informant that on 31st January, 2024, all the accused persons entered his house and accused Sonali said that she disliked marriage of her daughter with informant. She further said that there was discussion in their Jat Panchayat and they will not allow her daughter to reside with informant. Accused persons gave abuses to informant and his family members and assaulted them with iron rod. One of the relatives of appellants, who was holding sickle, threatened informant and his family members. All the accused abused and humiliated informant in the name of his caste. They also gave threats to kill him and his family members. They took Seema with them. In the said incident, gold chain of informant and gold Mangalsutra of his mother went missing.

3. After registration of crime, appellants filed applications for anticipatory bail, which are rejected by Trial Court. Hence, these appeals.

4. Heard learned advocate for appellants, learned APP for the State and learned advocate for respondent No.3 - informant.

Perused the papers of investigation.

5. Indisputably, alleged incident has taken place inside the house of informant, therefore, alleged insult and humiliation in the name of caste has not occurred in the public view. Therefore, *prima facie*, provisions of Atrocities Act are not attracted to the facts of the present case.

6. Perusal of statement of wife of informant shows that she was slapped by one of the accused and thereafter, she lost her consciousness and she is not aware as to what had happened thereafter.

7. Possibility cannot be ruled out that so as to pressurize appellants, present FIR is lodged by informant. Iron rod, allegedly used in the crime, is already recovered from spot. It is not clear from FIR or from the investigation papers as to exactly who assaulted informant's mother with iron rod.

8. Nothing is to be recovered from appellants, therefore, their pretrial custodial detention is not necessary. Hence, following order.

ORDER

A. Criminal Appeals are allowed.

- B. Impugned orders dated 13th March, 2024 passed by learned Additional Sessions Judge, Shrigonda in Criminal Bail Applications No. 137 of 2024 138 of 2024 are hereby quashed and set aside.
- C. In the event of arrest of appellants in connection with Crime No. 69 of 2024 registered with Karjat Police Station, District - Ahmednagar, appellants be released on bail, on executing Personal Bonds and Surety Bonds of Rs.15,000/- each with one surety each in the like amount.
- D. Till filing of charge sheet, appellants shall attend the concerned police station as and when called by Investigating Officer.
- E. Appellants shall not tamper prosecution evidence.
- F. Learned advocate appointed for respondent No.3 be paid fees as per schedule, within four weeks.

**[NITIN B. SURYAWANSHI]
JUDGE**