



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

939 CRIMINAL APPEAL NO. 309 OF 2024

Bhagwat S/o Sambhaji Kendre.

... Appellant

Versus

1. The State of Maharashtra.
2. The Investigation Officer,
Kandhar Police station, District Nanded.

3. Ranjanabai Hari Bukte.

... Respondents

...

Advocate for Appellant : Mr. Narayan Chavan, h/f Mr. D. M. Shinde.

APP for Respondent/State : Mr. P. S. Patil.

Advocate for Respondent No.3 : Ms. Pratibha Suryawanshi. (Appointed)

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CORAM : SHIVKUMAR DIGE, J.

DATE : 07th August, 2024.

P.C.:

. The appellant apprehends arrest in Crime No.270 of 2018, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 143, 341 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2 It is prosecution's case that the informant works as an

Anganwadi helper. It is alleged that on 10th September, 2018 at about 09:30 am, when she was going to open the Anganwadi, at that time, the appellant and co-accused stopped her on road and abused her on caste and threatened her that they will kill their children. It is alleged that the appellant and co-accused threatened the informant that they will outrage her modesty, if she again comes to Anganwadi.

3 It is the contention of the learned counsel for appellant that the appellant has been falsely implicated in this case. The allegations against the appellant and co-accused are general in nature. No specific allegations are made against the appellant. Considering the allegations against the appellant, his custodial interrogation is not required. Hence, he requested to allow the appeal.

4 It is the contention of the learned APP alongwith the learned appointed counsel for respondent No.3 that the appellant and co-accused abused the informant. They threatened her. The incident took place at public view. Considering the allegations against the appellant, his custodial interrogation is required. Hence, they requested to dismiss the appeal.

5 I have heard all the learned counsel. Perused the FIR, charge-sheet and the impugned order passed by the learned Special Court. It is alleged that the appellant and co-accused abused the

informant on her caste. It appears from the FIR that there are no specific allegations against the appellant that he had abused the informant on her caste. There are general allegations against the appellant and co-accused. Considering these facts, the custodial interrogation of the appellant is not required. Hence, I pass the following order:-

ORDER

- I. The appeal is allowed.
- II. The order dated 1st March, 2024 passed by the learned Additional Sessions Judge, Kandhar, District Nanded, below Exhibit-1 in Misc. Criminal (Bail) Application No.36 of 2024, is hereby set aside.
- III. In the event of arrest of appellant in Crime No.270 of 2018, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 143, 341 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on executing personal bond of Rs.15,000/- with one surety in the like amount, on the following conditions:-

- a) The appellant shall attend the concerned police station as and when required and shall co-operate in the investigation.

IV. The fees of Ms. Pratibha Suryawanshi, learned appointed counsel is quantified as Rs.10,000/- and it is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

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