



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

14 CRIMINAL APPEAL NO. 383 OF 2024

SUDARSHAN SANJAY SHETE
VERSUS
THE SUPERINTENDENT OF POLICE AND OTHERS

...
Advocate for Appellant : Mr. Rahul R. Karpe
APP for Respondent/State : Mr.P.K. Lakhotiya
Advocate for Respondent no.3 : Mr.Tekale Sayali Samadhan (Appointed)

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12th August, 2024.

P.C.:

1. This appeal is preferred against the order dated 5th April, 2024 passed below Exhibit-1 by the Additional Sessions Judge, Shrigonda in Criminal (Bail) M.A. No.199 of 2024 filed in pursuance of the F.I.R. No.0080 of 2024 registered with Mirajgaon Police Station, Dist.Ahmednagar, for the offences punishable under sections 324, 323, 143, 147, 148, 149, 363, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that on 19th March, 2024 around 10:00 a.m., when informant was going with his friends, it is alleged that the appellant along with co-accused came there on motorcycle along with 8-10 unknown boys. Co-accused Vivek and Aniket came near the informant and slapped on face, eyes and back of the informant. It is alleged that when the informant asked them why they are beating him,

at that time, other four co-accused manhandled him and forced the informant to sit on the motorcycle and they took him in open place. It is alleged that there they abused informant on his caste and co-accused Vivek assaulted the informant with wooden stick and threatened to kill him.

3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case, due to dispute in college between the informant and appellant's group. Though the name of the appellant mentioned in the F.I.R. no specific allegations are made against the appellant. The allegations are made against the co-accused Vivek and Aniket. The appellant is college going student. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

4. It is contention of the learned APP along with the learned counsel for respondent no.3 that the appellant was part of the group, who assaulted the informant without any reason and abused on his caste. F.I.R. shows involvement of the appellant in the crime. Considering the allegations against the appellant, custodial interrogation of the appellant is required and requested to reject the appeal.

5. I have heard all the learned counsel. Perused the impugned order passed by the Special Court.

6. The allegations against the appellant are that he along with co-accused assaulted the informant. The injury certificate of the informant shows that he has suffered simple injuries. From the contents of the F.I.R. it appears that the main allegations are against Vivek and Aniket. No specific allegations are made against the appellant. The appellant is college going student. Considering the allegations against the appellant, custodial interrogation of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 5th April, 2024 passed below Exhibit-1 by the Additional Sessions Judge, Shrigonda in Criminal (Bail) M.A. No.199 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with F.I.R. No.0080 of 2024 registered with Mirajgaon Police Station, Dist. Ahmednagar, for the offences punishable under sections 324, 323, 143, 147, 148, 149, 363, 504, 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-
 - (a) the appellant shall attend the concerned police station as and when required by the Investigating Officer.

(iv) Fees of Rs.10,000/- be paid to Ms. Sayali Tekale, learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

sga