



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

938 CRIMINAL APPEAL NO. 414 OF 2024

Govind S/o Madhavrao Upase.

... Appellant

Versus

1. The State of Maharashtra.

2. The Superintendent of Police
Nanded, Tq. & Dist: Nanded.

3. Sahebrao S/o Shankar Kamble.

... Respondents

...
Advocate for Appellant : Mr. Santosh C. Bhosle.

APP for Respondent/State : Ms. M. L. Sangit.

Advocate for Respondent No.3 : Mr. Shivanand Dattatray Tekwad.

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 30th August, 2024.

P.C.:

. The appellant apprehends arrest in Crime No.71 of 2024, registered at Naigaon Police Station, District Nanded, for the offences punishable under Sections 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2 It is prosecution's case that the wife of informant is Sarpanch of village Palasgaon Takalgaon, Taluka Naigaon, District

Nanded. It is alleged that on 29th August, 2023, a procession of Lok-Shahir Anna Bhau Sathe was going on and in that procession, there was dispute between the appellant and the informant. It is alleged that on 21st March, 2024, when the informant, his wife and other Grampanchayat members and officers were looking after the work of Grampanchayat, at that time, accused Nos.1 and 2 and the appellant came there. It is alleged that accused No.1 abused the informant on his caste and accused No.2 assaulted the informant with handle of spade on the head of informant. It is alleged that the appellant and co-accused beaten up the informant with fist and kick blows.

3 It is the contention of the learned counsel for appellant that the appellant has been falsely implicated in this case. The appellant has not abused the informant on his caste. The allegations against the appellant are that he beaten up the informant with fist and kick blows. The appellant is a student. 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 counsel for respondent No.3 that appellant and co-accused abused the informant on his caste at public place and in public view. Due to the assault by the co-accused, the informant has suffered

grievous injuries. The appellant beaten up the informant with fist and kick blows, though he was aware that the informant belongs to scheduled caste. 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, police papers produced on record and the impugned order passed by the Special Court. The allegations against the appellant are that he beaten up the informant with fist and kick blows. In the FIR, it is not mentioned that the appellant has abused the informant on his caste. The main allegations are against accused Nos.1 and 2. The appellant is a student. Considering these facts, his custodial interrogation is not required and I pass the following order:-

ORDER

- I. The criminal appeal is allowed.
- II. The order dated 8th April, 2024 passed by learned Special Judge (SC ST), Biloli, District, Nanded, in Criminal Bail Application No.52 of 2024, is hereby set aside.
- III. In the event of arrest of the appellant in Crime No.71 of 2024, registered at Naigaon Police Station, District Nanded, for the offences punishable under Sections 324, 323, 504 and 506 read with Section 34 of the

Indian Penal Code and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail on furnishing personal bond of Rs.20,000/- with surety of the like amount on following conditions:-

- a) The appellant shall attend the concerned police station as and when required by the Investigating Officer.
- b) The appellant shall not indulge in similar activities again.
- c) The appellant shall not pressurize the prosecution witnesses, in any manner.
- d) The appellant shall not contact the informant and prosecution witnesses.

[SHIVKUMAR DIGE, J.]

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