



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 CRIMINAL APPEAL NO. 416 OF 2024

Datta Shivaji Ekhunde Patil

VERSUS

The State of Maharashtra and others

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Advocate for Appellant : Mr. Ganesh J. Kore

APP for Respondent Nos. 1 and 2: Mr. B.B. Bhise

Advocate for Respondent No.3 : Mr. B.S. Bhale

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CORAM : SHIVKUMAR DIGE, J.

DATED : 20th SEPTEMBER, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 12.04.2024 passed by the Special Judge and Additional Sessions Judge, Nilanga in Criminal Bail Application No. 32 of 2024, filed in pursuance of crime No.71 of 2024 registered with Kasar Shirshi police station, district Latur, for the offences punishable under Sections 504, 506 of I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and is seeking anticipatory bail in the said crime.

2. It is the prosecution's case that on 12.3.2024 around 4.00 p.m. when the informant had gone to answer nature's call at some distance from her house, as there was no toilet constructed in the house of the informant. At the relevant time, the appellant asked the

informed why she came so long for answering the nature's call and abused the informant. When the informant told the appellant not to abuse her, at that time, it is alleged that the appellant abused the informant on her caste and threatened the informant that he will kill her and her husband.

3. It is the contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. There is delay of two days in lodging the complaint. The incident is not witnessed by anyone. Due to the political rivalry in the village, the appellant has been roped in this case. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.3 that the appellant abused the informant on her caste. There are statements of witnesses which show the involvement of the appellant in the crime. Considering the allegations against the appellant, his custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R., the police papers and the impugned order passed by the Special court.

There is two days delay in lodging the F.I.R. The allegations against the appellant are that he absued the informant on her caste, when she had gone for answering the natures call. It appears that there is no explanation given for delay of two days in lodging the complaint. Considering this fact, the custodial interrogation of the appellant is not required and I pass the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 12.04.2024 passed by the Special Judge and Additional Sessions Judge, Nilanga in Criminal Bail Application No. 32 of 2024 is quashed and set aside.
- (iii) The interim anticipatory bail granted to the appellant vide order dated 30.04.2024 stands confirmed on the same term and conditions with following modification:-
 - (a) the appellant shall attend the concerned police station as and when required by the Investigating Officer.
 - (b) the appellant shall attend the court dates regularly.

6. It is made clear that the observations made in this order is only for the purpose of deciding this appeal for bail and the trial court shall not be influenced by these observations while deciding the trial.

(SHIVKUMAR DIGE, J.)

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