



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CRIMINAL APPEAL NO. 481 OF 2024

Girish Rajendra Sharma

VERSUS

The Superintendent Of Police and others

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Advocate for Appellant : Mr. Arvind R. Kawade

APP for Respondent Nos. 1 and 2: Mr. N.B. Patil

Advocate for Respondent No.3 : Mr. S.S.Dargad

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CORAM : SHIVKUMAR DIGE, J.

DATED : 3rd JULY, 2024.

PER COURT :-

1. The appellant seeks bail in connection with crime No.484 of 2024 registered with Kotwali Police Station, district Ahmednagar, for the offences punishable under sections 323, 341, 504, 506 of I.P.C. and under Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. On 14.4.2024, at about 7.30 p.m. at Bhushannagar, Kedgaon - Ahmednagar, when the informant Ravi Jadhav was proceeding by the road, at that time, the appellant was standing in the middle of the road with his motor cycle. When the informant asked him to take his vehicle to the side of road and give him the space, on that ground, the appellant abused the informant on his caste and assaulted him.

3. It is the contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. No one was present at the time of incident except the informant and the friend of the appellant. The incident is not happened in public view. Nothing is recovered from the appellant. The appellant is behind bars for more than two months. His further detention is not required. Hence he requested to allow the appeal.

4. It is the contention of the learned APP and the learned counsel for respondent No.3 that the appellant was standing in the middle of the road with his vehicle. He obstructed the informant. When the informant asked the appellant to give space, he slapped him and thereafter, abused him on his caste. When the appellant was aware about the caste of the informant he has assaulted him and abused him. Prima facie, the involvement of the appellant is shown in the offence. If the appellant is released on bail, he may threaten the prosecution witnesses. Hence requested to reject the appeal.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. It is alleged that the appellant did not give space to the informant and he abused on his caste. Thereafter, he slapped to the informant. The appellant is behind bar for more than two months. It appears that the incident is not

happened at public view. Considering all these facts, further detention of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The appellant, in connection with crime No.484 of 2024 registered with Kotwali Police Station, district Ahmednagar, for the offences punishable under sections 323, 341, 504, 506 of I.P.C. and under Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, be released on executing personal bond in the sum of Rs.15,000/- 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.

6. Since Mr. S.S. Dargad, learned counsel is appointed to prosecute the cause of the respondent No.3, his fees be paid as per the schedule of fees maintained by the High Court Legal Services, Sub-Committee, Aurangabad.

(SHIVKUMAR DIGE, J.)

rlj/