



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL APPEAL NO. 541 OF 2024

1. Narayan Rambhau Sanap (withdrawn)
2. Dadarao Rambhau Sanap ...Appellants

Versus

1. The State of Maharashtra
2. The Superintendent of Police, Beed
3. Sanjay Shivaji Pawar ...Respondents

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Advocate for Appellant s: Mr. Bade Akshay Kalyan

APP for Respondent Nos. 1 and 2: Mr. P.K. Lakhotiya

Advocate for Respondent No.3 : Ms. Akanksha Sagar (appointed)

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CORAM : SHIVKUMAR DIGE, J.

DATED : 5th AUGUST, 2024.

PER COURT :-

1. Learned counsel for the appellants, on instructions, seeks leave to withdraw the appeal of appellant No.1 Narayan Rambhau Sanap. Leave granted. The appeal to the extent of appellant No.1 Narayan Rambhau Sanap is disposed of as withdrawn.

2. In so far as appellant No.2 Dadarao Rambhau Sanap is concerned, this appeal is preferred against the order dated 13.06.2024 passed by the Sessions Judge, Beed in Criminal Bail Application No.463 of 2024 filed in pursuance of FIR No. 141 of 2024 registered with Beed Rural Police Station, for the offences punishable under sections 323, 324, 326, 504, 506 r.w. 34 of I.P.C. and sections

3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is the prosecution case that earlier there was dispute between the informant and the appellant and thereafter on 21.4.2024, co-accused Narayan and the appellant came and abused the informant on his caste. It is alleged that the co-accused Narayan assaulted the informant with axe and the appellant assaulted the informant with handle of axe on his body.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case due to the old dispute. The allegations of abusing on the caste of the informant are against the co-accused Narayan and no role is attributed to the appellant. In the F.I.R. it is alleged that the appellant assaulted the informant with handle of axe. The injury sustained to the informant are simple in nature. Considering the allegations against the appellant, his custodial interrogation is not required and requested to allow the appeal.

5. It is contention of learned APP alongwith learned counsel for the respondent No.3 that the co-accused Narayan and the appellant assaulted the informant with axe on the vital part of his body. Co-

accused Narayan abused the informant on his caste. The incident is witnessed by the witnesses that the appellant along with co-accused assaulted the first informant. The witnesses have stated before the police about the incident which shows the involvement of the appellant in the crime. The custodial interrogation of the appellant is required and requested to reject the appeal.

6. I have heard all the learned counsel. Perused the impugned order passed by the trial Court, F.I.R. and the police papers produced on record. The allegations against the appellant are that he alongwith co-accused Narayan assaulted the informant. The main allegations are against co-accused Narayan. The allegations against the appellant are that he assaulted the informant with handle of axe. The injuries sustained to the informant are simple in nature. There are no allegations against the appellant that he abused the informant on caste. Considering the allegations against the appellant, his custodial interrogation is not required and I pass the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 13.06.2024 passed by the Sessions Judge, Beed in Criminal Bail Application No.463 of 2024 is quashed and set aside.

(iii) In the event of arrest, the appellant Dadarao Rambhau Sanap in connection with FIR No. 141 of 2024 registered with Beed Rural Police Station, for the offences punishable under sections 323, 324, 326, 504, 506 r.w. 34 of I.P.C. and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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.

7. Since Ms. Akanksha Sagar, is appointed to represent the respondent No.3, her legal fees and expenses is quantified at Rs.10,000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SHIVKUMAR DIGE, J.)

rlj/