



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

935 CRIMINAL APPEAL NO. 542 OF 2024

Ganesh Punamsingh Pardeshi

..APPELLANT

-VERSUS-

1. State of Maharashtra
2. X.Y.Z.

..RESPONDENTS

...

Advocate for appellant : Mr. Anandsingh S. Bayas

APP for Respondent/State: Ms.R.R. Tandale

Advocate for respondent no.2 : Mr. K.N. Shermale

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 9th July, 2024.

P.C.:

1. This appeal is preferred against the order dated 14th June, 2024 passed by the Additional Sessions Judge, Newasa in Criminal Bail Application No.167 of 2024 filed in pursuance of FIR No.504 of 2024 registered with Newasa Police Station, for the offences punishable under sections 307, 324, 323, 504, 506, 337, 143, 147, 148 and 149 of the Indian Penal Code (For short, "I.P.C.") and sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is contention of learned counsel for the appellant that the appellant is behind bars since 25th May, 2024. The appellant has been falsely implicated in this case. The learned counsel further submitted that there are general allegations made against the appellant in the F.I.R. that he along with co-accused abused the informant and pelted

stones on the informant and witnesses gathered there, thereby injured them. The learned counsel further submitted that the matter is settled at village level by Tanta Mukti Samiti and first informant has no objection to grant bail to the appellant, hence requested to allow the appeal.

3. It is contention of learned APP that the appellant along with co-accused assaulted the first informant and witnesses. Due to pelting of stones by the appellant witnesses are injured. Injury certificate produced on record shows that they have injured due to assault by the appellant. The learned APP further submitted that the appellant abused the first informant on his caste. If the appellant is released on bail, he may threaten the prosecution witnesses, hence requested to reject the appeal.

4. It is contention of learned counsel for respondent no.2 that the matter is settled before the Tanta Mukti Samiti of village. Informant has no objection if bail is granted to the appellant.

5. I have heard all the learned counsel. Perused the impugned order passed by the trial Court, F.I.R. and police papers produced on record.

6. Allegations against the appellant are that he along with co-accused pelted stones on the informant and witnesses gathered there, thereby caused injuries to them. It is not mentioned in the F.I.R. that the appellant had abused the first informant on his caste. The injury

certificates of the witnesses show that they have suffered simple injuries. The appellant is behind bars more than one month. The matter is settled before the Tanta Mukti Samiti. First informant has no objection for granting bail to the appellant. Considering all these aspects, further detention of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 14th June, 2024 passed by the Additional Sessions Judge, Newasa in Criminal Bail Application No.167 of 2024 is quashed and set aside.
- (iii) The appellant in connection with FIR No.504 of 2024 registered with Newasa Police Station, for the offences punishable under sections 307, 324, 323, 504, 506, 337, 143, 147, 148 and 149 of the Indian Penal Code and sections 3(1)(r)(s), 3(2)(v) 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.

[SHIVKUMAR DIGE, J.]