



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

955 CRIMINAL APPEAL NO. 548 OF 2024

1. Govind Narayan Bele-**withdrawn**
2. Balaji Narayan Bele

..APPELLANTS

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police
3. Kashinath Munjaji Kabale

..RESPONDENTS

...
Advocate for Appellant : Mr. Bhosale Mahesh Kalidas
APP for Respondent/State : Ms.R.R. Tandale
Advocate for Respondent no.3 : Mr. Y.B. Bolkar

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 31st July, 2024.

P.C.:

1. The learned counsel for the appellants, on instructions, seeks leave to withdraw the appeal against appellant no.1.
2. Leave granted. The appeal is dismissed as withdrawn as against appellant no.1.
3. The appellant no.2 preferred this appeal challenging the order dated 19th June, 2024 passed by the Additional Sessions Judge, Basmath, Dist. Hingoli in Criminal Bail Application no.150 of 2024 filed in connection with F.I.R. No.0283 of 2024 registered with Kurunda Police Station, Kurunda, Dist. Hingoli, for the offences punishable under sections 363, 364A, 324, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC") and section 3(2)(va) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that informant's brother Vishwanath had taken some advance amount for cutting of sugarcane from appellant no.1 but he could not cut the sugarcane as agreed as he was ill. Then he returned the amount of Rs.55,000/- to appellant no.1 out of Rs.65,000/- and only amount of Rs.10,000/- is remained to be paid to appellant no.1. It is alleged that on 7th June, 2024, when the informant was asleep in the courtyard of house, appellant no.1 came there in Car and asked the informant to sit in the Car. When informant sat in the car, he forcibly ran the said Car and kidnapped the informant. It is alleged that the informant was detained in one room. He was assaulted by appellant no.1. The allegations against appellant no.2 are that when informant was detained in room at that time, appellant no.2 assaulted the informant with fist and kick blows and wooden stick.

3. It is contention of the learned counsel for appellant no.2 that appellant no.2 has been falsely implicated in this case. The main allegations are against appellant no.1. Considering the allegations against appellant no.2, his custodial interrogation is not required and requested to allow the appeal.

4. It is contention of the learned APP along with the learned counsel for respondent no.3 that appellant nos.1 and 2 are real brothers. They were in collusion with each other kidnapped the informant and assaulted him. Considering the allegations against the

appellant no.2, his custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R. and impugned order passed by the trial Court.

6. The allegations against appellant no.2 are that he assaulted the informant with fist and kick blows and wooden stick when he was detained in room. No allegations against appellant no.2 are that he abused the informant on his caste. Considering allegations against appellant no.2, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 19th June, 2024 passed by the Additional Sessions Judge, Basmath, Dist. Hingoli in Criminal Bail Application no.150 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with F.I.R. No.0283 of 2024 registered with Kurunda police Station, Kurunda, Dist.Hingoli, for the offences punishable under sections 363, 364A, 324, 323, 504, 506 read with 34 of the Indian Penal Code and section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant 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.]

sga