



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

51 CRIMINAL APPEAL NO. 558 OF 2024

SUSHANT @ KASHINATH SHAMRAO GUNJAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellant : Mr.Jadhav Kiran D. a/w Mr.Vikram L. Bhangе
APP for Respondent/State : Mr.P.P. Dawalkar
Advocate for Respondent no.3 : Ms.Tanvi V. Jadhav (appointed)

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 23rd September, 2024.

P.C.:

1. Leave to amend the prayer clause.
2. This appeal is preferred against the order dated 22nd May, 2024 passed below Exhibit-1 by the Additional Sessions Judge at Shrigonda in Criminal (Bail) M. Application No.310 of 2024 filed in pursuance of the F.I.R. No.0452 of 2024 registered with Shrigonda Police Station, Dist. Ahmednagar, for the offences punishable under sections 324, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. It is prosecution's case that on 18th April, 2024, the quarrel between Saurabh and Siddhesh was mitigated by Aniket Sasane and others. On 23rd April, 2024, at about 6:00 p.m., informant Sandip along with his wife and brother Aniket went to Bhairavnath temple. Co-accused Siddesh Gunjal, Shubham Kusekar and applicant came

there. They abused Aniket. It is alleged that Siddesh inflicted wooden blow over the right hand, head and back of Aniket. The applicant Shubham assaulted with stone on the hand of informant and beat him by fist and kick blows. It is alleged that the applicant and co-accused threatened the informant that they will kill them if they again messed with them.

4. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. The allegations against the appellant are that he assaulted the informant with stone and abused him. The injury sustained by the appellant is of simple nature. Considering these facts, custodial interrogation of the appellant is not required and requested to allow the appeal.

5. It is contention of the learned APP along with learned counsel for respondent no.3 that the appellant along with co-accused abused the informant on his caste and assaulted him. The informant has sustained the injuries due to the said assault. There are serious allegations against the appellant. The appellant was part of the group, who assaulted the informant and injured witness. Considering these facts, the custodial interrogation of the appellant is required and requested to dismiss the appeal.

6. I have heard all the learned counsel. Perused the impugned order passed by the Special Court.

7. The allegations against the appellant are that he assaulted the

informant with stone and abused and threatened him. There are no allegations against the appellant that he abused informant on his caste. The informant has sustained simple injuries. Considering these facts custodial interrogation of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 22nd May, 2024 passed below Exhibit-1 by the Additional Sessions Judge at Shrigonda in Criminal (Bail) M. Application No.310 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with F.I.R. No.0452 of 2024 registered with Shrigonda Police Station, Dist. Ahmednagar, for the offences punishable under sections 324, 323, 504, 506 read with 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant be released on executing personal bond in the sum of Rs.20,000/- 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.
 - (b) the appellant shall not enter in village Shrigonda Factory, Tq.Shrigonda, Dist. Ahmednagar, till filing of the charge-sheet.
- (iv) Fees of Rs.10,000/- be paid to Ms. Tanvi V. Jadhav, learned

counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

(v) It is made clear that the observations made in this order are prima facie in nature and the trial Court shall not get influenced by the same and decide the trial on its own merits.

[SHIVKUMAR DIGE, J.]

sga