



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

**936 CRIMINAL APPEAL NO. 566 OF 2024**

1. Dnyanoba Balaji Kadam
2. Nivrutti Bapurao Chandane
3. Madhav @ Kerba Balaji Pawar

..APPELLANTS

-VERSUS-

1. The Superintendent of Police
2. The Police Station Officer
3. Rashtrapal Gautam Bhawe

..RESPONDENTS

...

Advocate for Appellants : Mr. P. P. More.

APP for Respondent/State : Ms.V.S. Chaudhari

Advocate for Respondent no.3 : Ms.Sayali Tekale ( Appointed)-**discharged**

Advocate for Respondent No.3 : Mr. Sachin Panale

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25<sup>th</sup> July, 2024.

**P.C.:**

1. Mr.Sachin Panale, the learned counsel submits that he has instructions to appear on behalf of respondent no.3 and he has filed the *Vakalatnama*.
2. In view of the above, the appearance of Ms. Sayali Tekale, learned counsel appointed to represent the cause of respondent no.3 is discharged.
3. This appeal is preferred against the order dated 21<sup>st</sup> June, 2024 passed by the Additional Sessions Judge, Kandhar in Criminal Bail Application No.82 of 2024 filed in pursuance of the F.I.R. no. 123 of 2024 registered with Malakoli Police Station, Tq. Loha, Dist. Nanded, for the offences punishable under sections 307, 143, 147, 148, 149,

324, 294, 323, 506 of the Indian Penal Code (For short, "I.P.C.") and sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is prosecution's case that the informant Rastrapal Bhave lodged the complaint with the police stating that on 28<sup>th</sup> May, 2024 at around 7 a.m., when he was sitting in front of one shop, at that time the appellants and co-accused came there and assaulted him and his brother and father with iron rod, wooden sticks, stones and fist and kicks blows. It is alleged that the appellants abused on the caste of the informant. The allegations against applicant no.1 – Dnyanoba are that he assaulted with iron rod on the back side of head of father of the informant. Allegations against appellant no.2 Nivruti are that he had hit with stones on the head of his brother Sunil. Allegations against the appellant no.3 – Madhav are that he was part of unlawful assembly and he abused informant on his caste.

5. It is contention of the learned counsel for the appellants that the cross-complaint is filed against the informant. To counter it, the present complaint is filed against the appellants. The learned counsel further submitted that the appellants have been falsely implicated in this case. The injuries suffered by the informant, his father and brother are simple in nature. Though there are allegations that the appellants hurled abuses to informant on his caste, but it is general allegations. No names of the appellants mentioned in the F.I.R. that they had abused

informant on his caste. The learned counsel further submitted that the appellants are behind bar more than one month. Investigation is completed and these facts are not considered by the trial Court. Considering the above facts, further detention of the appellants is not required, hence requested to allow the appeal.

6. It is the contention of the learned APP along with learned counsel for respondent no.3 that the appellants and co-accused assaulted the informant, his father and brother with an intention to kill them. The learned APP further submitted that the attack was made on the first informant, his brother and father with iron rod, wooden sticks and stones. They all have sustained injuries in the said attack. The appellants have abused the informant on his caste. The appellants were part of the unlawful assembly. They have played active role in the crime. Their further detention is required, hence requested to dismiss the appeal.

7. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

8. The allegations against the appellants are that they have assaulted the informant, his brother and his father. Injury certificates produced on record of the informant, his brother and father show that they have sustained simple injuries. It is alleged that the appellants abused informant on his caste but no specific names are mentioned in the F.I.R., who abused to informant on the caste. The appellants are

behind bar more than one month. Investigation is completed. Considering the above facts, the further detention of the appellants is not required and I pass the following order :-

**ORDER**

- (i) The appeal is allowed.
- (ii) The order dated 21<sup>st</sup> June, 2024 passed by the Additional Sessions Judge, Kandhar in Criminal Bail Application No.82 of 2024 is quashed and set aside.
- (iii) The appellants in pursuance of the F.I.R. no. 123 of 2024 registered with Malakoli Police Station, Tq. Loha, Dist. Nanded, for the offences punishable under sections 307, 143, 147, 148, 149, 324, 294, 323, 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, be released on executing personal bond in the sum of Rs.20,000/- each with one surety of the like amount by each of them, on the following conditions :-
  - (a) the appellants shall attend the concerned police station as and when required by the Investigating Officer.
  - (b) the appellants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.

[ SHIVKUMAR DIGE, J. ]