



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

37 CRIMINAL APPEAL NO. 569 OF 2024

TALIB JAFAR PINJARI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. Suryawanshi Sanket N.

APP for Respondent/State : Ms.R.P. Gaur

Advocate for assist to P.P. : Mr.Adhav Dadasaheb Raosaheb

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 29th July, 2024.

P.C.:

1. This appeal is preferred against the order dated 20th June, 2024 passed by the learned Additional Sessions Judge, Newasa in Criminal Bail Application No.174 of 2024 filed in pursuance of the F.I.R. No.534 of 2024 registered with Newasa Police Station, Newasa, Dist.Ahmednagar, for the offences punishable under sections 354, 354-A, 354-D, 143, 147, 149, 427, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is the prosecution's case that the accused no.1 was harassing the informant by making phone calls. It is alleged that on 1st June, 2024 at around 2:00 p.m., when the informant had gone in Ice Parlour with her parents, at that time, accused no.1 went in that shop along with the appellant and other co-accused and outraged her modesty. It

is alleged that the appellant and co-accused pushed the informant on the ground and assaulted her with fist and kick blows. It is alleged that accused no.1 abused the informant on her caste.

3. 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 pushed the informant on the ground and assaulted her with fist and kick blows. The learned counsel further submitted that the allegations against the appellant are not that he abused the informant on her caste. The appellant is behind bar more than one month. Investigation is completed. Considering the allegations against the appellant, his further detention is not required, hence requested to allow the appeal.

4. It is contention of the learned APP along with learned counsel for assist to P.P. that the appellant and accused no.1 and other co-accused harassed and outraged the modesty of informant in public place. The appellant pushed the informant on the ground, when she fell on ground he along with co-accused assaulted her by fist and kick blows. Incident had happened in public place. If the appellant is released on bail, he may threaten the prosecution witnesses, hence requested to dismiss the appeal.

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

6. The allegations against the appellant are that he forced the

informant to fell on the ground and he assaulted her with fist and kick blows. Though the crime is registered under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, but the allegations of abusing on caste are against accused no.1. The appellant is behind bar more than one month. Investigation is almost completed. Considering the allegations against the appellant, his further detention is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 20th June, 2024 passed by the learned Additional Sessions Judge, Newasa in Criminal Bail Application No.174 of 2024 is quashed and set aside.
- (iii) The appellant in connection with F.I.R. No.534 of 2024 registered with Newasa Police Station, Newasa, Dist.Ahmednagar, for the offences punishable under sections 354, 354-A, 354-D, 143, 147, 149, 427, 504, 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 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.

(b) the appellant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses in any manner.

[SHIVKUMAR DIGE, J.]

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