



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

51 CRIMINAL APPEAL NO. 576 OF 2024

1. Salman Chand Khan
2. Wasim Sikandar Shaikh

..APPELLANTS

-VERSUS-

1. The State of Maharashtra
2. Akash Bhausahab Wagh

..RESPONDENTS

Advocate for Appellant : Mr. Shaikh Joyeb I.

APP for Respondent/State : Mr.P.K. Lakhotiya

Advocate for Respondent no.2 : Mr.Chudiwal Niraj Pradeep

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

DATE : 12th August, 2024.

P.C.:

1. This appeal is preferred against the order dated 24th June, 2024 passed by the learned Additional Sessions Judge, Rahata below Exhibit-1 in Criminal Bail Application No.34 of 2024 filed in connection with F.I.R. No.294 of 2024 registered with Loni Police Station, Tq.Rahata, Dist. Ahmednagar, for the offences punishable under sections 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is the prosecution's case that the co-accused had assaulted the informant with iron rod and grievously injured him. It is alleged that co-accused abused him on the caste.
3. It is contention of the learned counsel for the appellants that

there were counter cases filed by two groups against each other. The appellants were not present at the time of incident, but they have been falsely implicated in this case. Moreover, the matter is settled between the informant and appellants and co-accused group. The learned counsel further submitted that one of the co-accused Sahil Nazir Shaikh has been released by this Court on regular bail. Considering the allegations against the appellants, their custodial interrogation is not required and requested to allow the appeal.

4. It is contention of the learned APP that the appellants were part of the group, who assaulted the informant and grievously injured him. The learned APP further submitted that the appellants abused the informant on their caste. It shows their involvement in the crime. Considering the allegations against the appellants, their custodial interrogation is required and requested to dismiss the appeal.

5. It is contention of the learned counsel for respondent no.2 that the informant has no objection to allow the appeal as the matter is settled out of the Court between the informant and the appellant's group. The learned counsel further submitted that the mother of the informant is present in the Court.

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

7. Admittedly though the names of the appellants are mentioned in the F.I.R. the matter is settled between the informant and appellant's

group. In the F.I.R. there are no specific allegations against the appellants. The co-accused Sahil has been released by this Court on regular bail. Considering the above aspects, custodial interrogation of the appellants is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 24th June, 2024 passed by the learned Additional Sessions Judge, Rahata below Exhibit-1 in Criminal Bail Application No.34 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellants, in connection with F.I.R. No.294 of 2024 registered with Loni Police Station, Tq.Rahata, Dist.Ahmednagar, for the offences punishable under sections 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they be released on executing personal bond in the sum of Rs.15,000/- 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.

[SHIVKUMAR DIGE, J.]