



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

41 CRIMINAL APPEAL NO. 590 OF 2024

SAHIL S/O NAZIR SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. Deshmukh Sachin S.

APP for Respondent/State : Ms.P.V. Diggikar

Advocate for Respondent no.2 : Mr. Salunke Nitin S.

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 29th July, 2024.

P.C.:

1. This appeal is preferred against the order dated 26th June, 2024 passed by the learned Additional Sessions Judge, Rahata below Exhibit-1 in Criminal Bail Application No.45 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, 506 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 co-accused had assaulted the informant with iron rod and grievously injured her. It is alleged that co-accused abused her on the caste. Initially, the name of the appellant was not mentioned in the F.I.R., it is alleged that in investigation it revealed that the appellant was part of group, who assaulted the informant.

3. It is contention of the learned counsel for the appellant that the appellant is behind bar more than two months. There were counter cases filed by two groups against each other. The appellant was not present at the time of incident, but he has been falsely implicated in this case. Moreover, the matter is settled between the informant and appellant and co-accused group, hence requested to allow the appeal.

4. It is contention of the learned APP that the appellant was part of the group, who assaulted the informant and grievously injured her. The learned APP further submitted that the appellant abused the informant on her caste. It shows his involvement in the crime. His further detention is required, hence 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 the name of the appellant is not mentioned in the F.I.R. In investigation, it revealed that he was part of group who assaulted the informant. The matter is settled between the informant and appellant's group. The appellant's name was not in F.I.R. and there are no specific allegations against the appellant. The appellant is

behind bar more than two months. Considering the above aspects, further detention of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 26th June, 2024 passed by the learned Additional Sessions Judge, Rahata below Exhibit-1 in Criminal Bail Application No.45 of 2024 is quashed and set aside.
- (iii) The appellant 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, 506 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 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.]