



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

913 CRIMINAL APPEAL NO. 613 OF 2024

PRAKASH S/O VYANKAT TAMLURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellant : Mr. Bhosle Santosh C.
APP for Respondent/State : Mr.C.V. Bhadane
Advocate for Respondent no.3 : Ms.Ingle Pooja Subhash (appointed)

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

DATE : 8th August, 2024.

P.C.:

1. This appeal is preferred against the order dated 1st July, 2024 passed below Exhibit-1 by the learned Special Judge (SCST) Biloli, Dist. Nanded in Criminal Bail Application No.93 of 2024 filed in pursuance of the F.I.R. No. 0086 of 2024 for the offences punishable under sections 324, 294, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that on 4th April, 2024 around 8:30 p.m., the quarrel was going on between the brother of the appellant and co-accused. When informant tried to solve the said quarrel, it is alleged that co-accused assaulted the informant with wooden stick and fist and kick blows. It is alleged that the applicant was part of the group, who assaulted the informant. It is alleged that co-accused Vijay, Deepak

and Vishwanath abused the informant on his caste. The allegations against the appellant are that he beaten the appellant on his head, neck and both legs with wooden stick.

3. It is contention of the learned counsel for the appellant that the appellant is Police Constable. He has been falsely implicated in this case. The informant has not suffered any injury. There are no allegations against the appellant that he has abused on the caste of the informant. Considering the allegations against the appellant, the custodial interrogation of the appellant is not required and requested to allow the appeal.

4. It is contention of the learned APP and learned counsel for respondent no.3 that the appellant and co-accused assaulted the informant and his father with wooden stick and fist and kick blows. The co-accused abused the informant on his caste. The appellant was aware about the caste of the informant then also the appellant assaulted the informant. There is prima facie case against the appellant. His custodial interrogation is required and requested to dismiss the appeal.

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

6. The allegations against the appellant are that he assaulted the informant on his neck, head and both legs with wooden sticks. Except these allegations, there are no allegations against the appellant that he

abused the informant on his caste. Considering these aspects, the custodial interrogation of the appellant is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 1st July, 2024 passed below Exhibit-1 by the learned Special Judge (SCST) Biloli, Dist. Nanded in Criminal Bail Application No.93 of 2024 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with F.I.R. No. 0086 of 2024 for the offences punishable under sections 324, 294, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r), 3(1)(s), 3(2)(va) 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.
- (iv) Fees of Rs.10,000/- be paid to Ms. Pooja S. Ingle, learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]