



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 CRIMINAL APPEAL NO. 626 OF 2024

1. Sagar Uttam Dhanwate (withdrawn)
 2. Meghnath Vijay Dhanwate
 3. Dattatray Shriram Kusalkar
 4. Bharat Tukaram Dhanwate
 5. Ravindra Ashok Dhanwate
 6. Niraj Ramesh Dethe
- ...Appellants

Versus

1. The Superintendent of Police
Ahmednagar
 2. The State of Maharashtra
 3. Navnath Ramesh Jadhav
- ...Respondents

...

Advocate for Appellants : Mr. Dhananjay S. Patil and Mangesh R. Jadhav

APP for Respondent Nos. 1 and 2: Mr. S.B. Narwade

Advocate for Respondent No.3 : Mr. Prathviraj A. Dhakane

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. Learned counsel for the appellants, on instructions, seeks leave to withdraw the appeal to the extent of appellant No.1. Considering the request of learned counsel for the appellants, the appeal is disposed of as withdrawn to the extent of appellant No.1.

2. Insofar as appellant Nos. 2 to 6 are concerned, this appeal is

preferred against the order dated 03.07.2024 passed by the Additional Sessions Judge, Ahmednagar in Criminal Misc. Bail Application No. 342 of 2024 filed in pursuance of crime No.243 of 2024 registered with M.I.D.C. police station, Ahmednagar, district Ahmednagar for the offences punishable under Section 427, 143, 147, 149, 504, 506 of I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(2), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is the prosecution's case that the informant was running a pan stall. In January, 2024, the accused No.1 erected another pan stall near his pan stall. Hence the informant closed his pan stall for some days. It is alleged that on 6.3.2024 around 1.30 p.m. when the informant was at his pan stall for opening it, the informant kept aside the pan stall of accused No.1. On that ground, accused No.1 and the appellants quarreled with the informant and threatened him. It is alleged that accused No.1 abused the informant on his caste. It is alleged that on same day around 8.30 p.m. when the informant had gone to his pan stall, he saw that accused No.1 and the appellants were pelting stones on his pan stall. It is alleged that on 8.3.2024 when the informant visited his pan stall he saw that some soft stone (*murum*) was kept near his pan stall. On 9.3.2024 around 7.15 p.m. when the informant went at his pan stall, he saw the broken glasses

and articles in it were lying helter skelter and there was damage to the idol of Annabhau Sathe.

4. It is the contention of the learned counsel for the appellants that the appellants have been falsely implicated in this case. The incidents were happened on 6.3.2024, 8.3.2024 and 9.3.2024 whereas the complaint was given on 10.3.2024. There was delay of one day in filing the complaint. There are no allegations against the appellants that they abused the informant on his caste. The allegations are general in nature. Considering the allegations against the appellants, their custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP alongwith learned counsel for respondent No.3 that accused No.1 and the appellants have abused the informant on his caste. They damaged his pan stall. Considering the allegations against the appellants, their custodial interrogation is required and requested to reject the application.

6. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations of abuse on caste are against the accused No.1. There are no allegations against the appellants. It appears that incidents were occurred on 6.3.2024,

8.3.2024 and 9.3.2024 and the F.I.R. is lodged on 10.3.2024. Immediately after the incident, no complaint was filed with the police. Considering the allegations against the appellants, their custodial interrogation is not required and I pass the following order:-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 03.07.2024 passed by the Additional Sessions Judge, Ahmednagar in Criminal Misc. Bail Application No. 342 of 2024 is quashed and set aside to the extent of appellant Nos. 2 to 6.
- (iii) The appellants Nos. 2 to 6 in connection with crime No.243 of 2024 registered with M.I.D.C. police station, Ahmednagar, district Ahmednagar for the offences punishable under Section 427, 143, 147, 149, 504, 506 of I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(2), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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 enter in the village where the informant stays till filing of the charge sheet.

7. Since Mr. Dhakane, the learned counsel is appointed to represent respondent No.3, his legal fees and expenses is quantified at Rs.10,000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SHIVKUMAR DIGE, J.)

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