



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

**952 CRIMINAL APPEAL NO. 652 OF 2023**

ARUN PRABHAKAR POUL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Tukaram Maruti Venjane

APP for Respondent/State : Mr.S.B. Narwade

Advocate for Respondent no.2 : Mr.Jadhav Sunil Bappasaheb(appointed  
Through Legal Aid)

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 14<sup>th</sup> August, 2024.

**P.C.:**

1. This appeal is preferred against the order dated 30<sup>th</sup> May, 2023 passed by the Special Judge and Assistant Sessions Judge-1, Nilanga in Criminal Bail Application No.45 of 2023 filed in pursuance of the F.I.R. No.19 of 2023 registered with Kasar Shirsi Police Station, Tq.Nilanga, Dist. Latur, for the offences punishable under sections 294, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short, "Atrocities Act").

2. It is prosecution's case that the informant's husband had lodged the complaint against the appellant under the Atrocities Act and on that complaint the offence is registered against the appellant and case is going on against the appellant. It is alleged that on 19<sup>th</sup> January, 2023 around 1.15 p.m., the appellant came in front of house of informant with

sickle in his hand and by swinging a sickle in air, he threatened the informant to take the case registered against him back and threatened that he will kill informant, her husband and her daughter. He also abused the informant in filthy language.

3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. In the F.I.R., no allegations are made against the appellant that he abused the informant on her caste. The appellant has not assaulted the informant. The weapon used in the crime has been seized by the police, hence custodial interrogation of the appellant is not required and requested to allow the appeal.

4. It is contention of the learned APP along with the learned counsel for the respondent no.2 that the appellant threatened the informant by going to her house. He threatened the informant that he will kill her husband and daughter. Earlier case under the Atrocities Act is registered against the appellant. He was aware about the caste of the informant inspite of that he intimidated her. The custodial interrogation of the appellant is required and requested to reject the appeal.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record and the impugned order passed by the Special Court.

6. In the F.I.R. the allegations against the appellant are that the appellant went to the house of the informant with sickle in his hand. By swinging a sickle in air, the appellant threatened the informant and abused her in filthy language. In the F.I.R. it is not mentioned that the appellant abused the informant on her caste. It appears that the appellant has not assaulted the informant. Considering these facts, 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 30<sup>th</sup> May, 2023 passed by the Special Judge and Assistant Sessions Judge-1, Nilanga in Criminal Bail Application No.45 of 2023 is quashed and set aside.
- (iii) In the event of arrest of the appellant in connection with the F.I.R. No.19 of 2023 registered with Kasar Shirsi Police Station, Tq.Nilanga, Dist. Latur, for the offences punishable under sections 294, 504, 506 of the Indian Penal Code and sections 3(1)(r) and 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.

(b) the appellant shall not enter in village where the informant stays till filing of the charge-sheet.

**[ SHIVKUMAR DIGE, J. ]**

*sga*