



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 687 OF 2024

Ravi Sayanna Rajarwar

VERSUS

The State Of Maharashtra And Another

- Mr. A. K. Bhosle, Advocate for the Appellant
- Mr. B. B. Bhise, APP for the Respondent/State
- Mr. B. V. Virdhe, Advocate for the Respondent No. 2 (appointed)

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. This appeal is filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'Atrocities Act') challenging order dated 29.06.2024 passed by learned Additional Sessions Judge, Nanded, in Special Case No. 68/2023 rejecting application for regular bail in connection with Crime No. 778/2022 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 326, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(d) of the Atrocities Act and Section 4/25 of the Arms Act.

2. First informant report indicates that an incident had occurred on 27.12.2022 wherein when the informant was sitting near the temple near his house was assaulted by co-accused. It is alleged that co-accused along with present Appellant came to the spot. Other abused him over his caste and the iron rod holding by the Appellant herein was taken by the co-accused to cause assault on the informant causing fracture injury.

3. Learned Counsel for the Appellant submits that the charge-sheet has been filed and as such, there is no reason for Appellant to be kept in jail. It is his submission that the offence charged against the Appellant is punishable under Section 326 of IPC along with other offence under the Code as well as Atrocities Act.

4. Learned Counsel for the Informant and learned APP opposed the Appeal by submitting that present Appellant had brought iron rod at the spot which indicates that he had intention to cause assault on the informant. Learned Counsel for the Informant has argued

that the Appellant is neighbour of the informant and he was absconding for a year and he is likely to flee from justice if bail is granted. He also apprehends pressurizing of the informant and other witnesses at the hands of the Appellant.

5. There is no dispute about the fact that charge-sheet filed against the Appellant and co-accused is for the offence punishable under Section 326 of the IPC and other offences and the Atrocities Act. In so far as offence under Section 326 IPC is concerned, admittedly there is no allegation against present Appellant of committing any overt-act which had led to the causing of fracture injury to the informant. As per the FIR itself, the said injury has been caused to him by the co-accused Gajanan. Thus, at this stage, it could be said that the Appellant herein is not author of the said fracture injury.

6. Even if it is accepted for the sake of argument that the accused came together and offence was committed, admittedly there is only single fracture injury to the informant. As such, having regard to the nature of offence alleged against the Appellant, there

is no justification to reject his application for bail after charge-sheet is filed. Appellant is behind the bar since 24.02.2024. Thus, case is made out by the Appellant for grant of bail.

7. Considering the apprehension of the informant as well as prosecution, the Appellant is prevented from entering Nanded City till evidence in Special Case No. 68/2023 gets over. He is permitted to attend proceeding before the Sessions Court. Before attending the proceedings, he has to attend the concerned police station and after proceeding is over he has to inform about the same to the concerned police station again. If he is found in the Nanded City in contravention of this order, appropriate order shall be passed of cancellation of bail.

8. Hence, the order:

O R D E R

- (i) The Appellant in connection with Crime No. 778/2022 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 326, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(d) of the Atrocities Act and Section 4/25 of the Arms Act, shall be released on bail on furnishing PB & SB of Rs.

30,000 (Rupees Thirty Thousand Only) with two solvent surety in the like amount.

- (ii) The Appellant shall not enter the Nanded City till evidence in Special Case No. 68/2023 gets over.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.

(R.M. JOSHI, J.)